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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-25833-2026

Date of decision: 13th May, 2026

Kamal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Randhawa, Advocate for the petitioner.

Mr. Vivek Sharma, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case GDR No. 20 dated 28.05.2024 registered under Sections 323, 324, 148 and 149 of IPC (Section 326 of IPC added later on) in FIR No. 130 dated 28.05.2024 registered under Sections 452, 323, 324, 148 and 149 of IPC at Police Station Kotwali, Kapurthala, District Kapurthala.

2. The aforementioned FIR No. 130 was registered on the basis of statement recorded by Deepak, alleging therein that on the night of 28.05.2024, his brother Kamal, i.e. the present petitioner had come to his house and told him that Vishal and Gagandeep had extended beatings to him. At about 3:00 AM, Bittu, Gagandeep, Kala, Danny and Shera, all residents of village Bahui entered inside his house along with 20-25 unknown persons. They opened an

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attack upon the complainant and his family members due to which they had sustained injuries. After registration of FIR, investigation proceedings were initiated. On the same night, Gurkanwal Singh @ Vishal son of Gurdev, who was a member of opposite party, got recorded a GDR No. 20 alleging that in fact on the night of 28.05.2024, he had gone to the house of the present petitioner and had asked him the reason of his coming to his house along with some youths. He further alleged that at about 1:00 -1:30 AM, when he was present in the street, the present petitioner Kamal accompanied by co-accused Abhishek, Deepak, Mahinder Pal and Josphine reached there. They were armed with weapons and opened an assault upon them. Due to the impact of the injuries sustained at their hands, he had become unconscious. Gagandeep, who had rushed for his rescue was also assaulted. The petitioner after being nominated as an accused in the above mentioned GDR was arrested on 30.01.2026. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is a case of version and cross version. In fact, the brother of the petitioner had lodged an FIR initially. The GDR was got registered by the opposite party as a counter blast. The version as given in the GDR is quite inconsistent and improbable. The petitioner had sustained four injuries in the incident out of which, 03 were caused by sharp edged weapon which have not been explained by the prosecution. He has been arrested only on 30.01.2026. The injuries which have been attributed to him on the person of Deepak have been opined to be grievous but not dangerous to life. He is in

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custody since long. He is not required for further custodial investigation. His continued detention would not serve any useful purpose. The trial will take considerable time to conclude. It is, therefore, argued that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. He has placed on record custody certificate of the petitioner and has argued that the allegations against the petitioner are serious in nature and therefore, he does not deserve to be released on bail.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner by forming membership of an unlawful assembly is alleged to have voluntarily caused simple as well as grievous injuries on the person of the complainant of the FIR. It is a case of version and cross-version as the FIR was registered on the basis of statement recorded by brother of the petitioner and thereafter, GDR No. 20 in which the petitioner has been nominated as accused, was recorded on the statement of Gurkanwal Singh @ Vishal who is member of opposite party. It is only on thorough assessment of the evidence to be produced during trial that any definite conclusion qua role attributed to the petitioner and qua his complicity in the subject offences can be drawn. The petitioner has been in custody since 30.01.2026. The trial will obviously take considerable time to conclude. Even challan has not been filed so far. It is well settled proposition of law that pre-trial incarceration should

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not be a replica of post-conviction sentence and that bail is the rule and jail is an exception. Similarly situated co-accused Joshphine and Mohinder Pal have been extended benefit of anticipatory bail. In view of the discussion made above, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore and he has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

13th May, 2026
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No