

2026:PHHC:007568



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

211

CRM-M-28004-2025
Date of Decision: 20.01.2026

AVINASH

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Shivender Paul, Advocate
for the petitioner.

H.S. GREWAL, J. (ORAL)

This petition has been filed under Section 483 Bharatiya Nagrik Suraksha Sanhita, 2023 seeking regular bail for the petitioner in case FIR No.69 dated 15.03.2025 under Sections 126(2), 140(1), 115(2), 191(3), 190, 351(2) and 351(3) of BNS, 2023 and Sections 25 and 27 of Arms Act, 1959 registered at Police Station City South, District Moga.

2. The case of the prosecution is that the petitioner kidnapped the complainant and gave a *khanda* blow on his left leg. On the basis of these allegations, the petitioner has been arrested in the present case.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been implicated falsely in the present case. He submits that the injury attributed to the petitioner has been stated to be a simple injury. Otherwise also, the allegations levelled by the complainant against the petitioner are false and incorrect. He further submits that the petitioner is in custody for the last 09 months

24 days. It is further stated that challan against the petitioner has been presented recently on 20.05.2025 and charges have been framed on 15.10.2025, and as such, the trial of the case might take a long time to conclude. He further submits that although the petitioner is involved in several other cases, however, he is not wanted in those cases at this stage.

4. Notice of motion.

5. Mr. P.S. Pandher, AAG, Punjab accepts notice and vehemently opposes the petition for grant of bail on the ground that there is an active role of the petitioner in the commission of the offence in question. Hence, he prays for dismissal of the present petition. Custody certificate filed by the State Counsel is taken on record. As per the said certificate, the petitioner has already undergone a period of 09 months 24 days.

6. I have heard the learned counsel for the parties and perused the record.

7. Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner is in custody for the last 09 months 24 days and the trial against the petitioner might take a long time to conclude, this Court is of the opinion that the petitioner deserves concession of regular bail. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

9. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.
10. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

JANUARY 20, 2026.
Rajender

(H.S. GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No