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

CRM-M-37759-2025

Date of decision: 11.03.2026

Gulshan Kumar

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Anupam Mathur, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to them in case FIR No.19 dated 11.02.2025, under Sections 109, 61(2), 3(5), 351(2) of BNS, 2023, registered at Police Station Banur Rajpura.

3. Succinctly, facts of the case are that the FIR has been lodged on the statement of complainant-Harmanpreet Singh. It was alleged that on 06.02.2025, he was present at his house and had gone to the Peer's Shrine for the community meal (langar). Gurpreet Singh @ Nannu and Gulshan Kumar (petitioner in CRM-M-37759-2025), residents of his village, were also present there. While he was serving water at the langar, Gurpreet Singh @ Nannu and Gulshan Kumar started hurling filthy abuses at him without any reason. Later, Gurpreet Singh @ Nannu called him to the Gajjukhera-Hidayatpura road near the school. At about 08:00 PM, while he was talking with Gurpreet Singh @ Nannu and Gulshan Kumar, both of them caught hold of his arms; Ajay Kumar @ Kalia, who



was also standing there, stabbed him with a knife and gave two blows on his stomach and third blow on his side and thereafter, the complainant fainted at the spot. His friend took him to the GMCH, Sector-32, Chandigarh for treatment. Request was made to take legal action against the above-named persons. Thus, the FIR was registered and on registration of the FIR, investigation commenced. During investigation, complicity of the petitioners surfaced and thus, petitioner-Gulshan Kumar was arrested on 11.02.2025. On completion of the investigation, challan was presented and on framing of charges, trial commenced. Petitioner approached the Court of learned Additional Sessions Judge, Patiala praying for grant of regular bail. However, after hearing counsel for both the sides, the same were declined vide order dated 09.04.2025. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

4. It has been submitted by learned counsel for the petitioner that petitioner has been falsely and frivolously implicated in the present case. It has been submitted that the alleged occurrence has taken place on 06.02.2025 whereas, the FIR has been registered after a delay of 04 days i.e. on 11.02.2025. It has been contended that even otherwise, the only role attributed to the petitioner is that he caught hold the complainant. It has been further contended that neither the petitioner was armed with any weapon nor he caused any injury to the complainant. It has been submitted that petitioner has no criminal antecedents and thus, he deserves to be granted regular bail.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has submitted that petitioner had a common intention to cause injuries to the complainant. He has submitted that petitioners were specifically named in the FIR and have caught hold

the complainant. On instructions, he has submitted that out of 15 prosecution witnesses, only complainant has been partially examined. He has placed on record the custody certificates of the petitioners.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case has taken place on 06.02.2025 whereas, the FIR has been registered after a delay of 04 days i.e. on 11.02.2025. The allegations against the petitioner to the effect that he caught hold the complainant. Custody certificates filed by the State show that the petitioner has undergone incarceration of around 01 year and 26 days as on 10.03.2026. It further reflect that the petitioner is not involved in any other case. As submitted by learned State counsel, out of 15 prosecution witnesses, only complainant has been partially examined.

8. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the cases will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.03.2026
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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