

2026:PHHC:010536



209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41998-2025 (O&M)
Date of Decision: 23.01.2026

Kulwinder Singh (@ Raju Nihang

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Raghav Chadha, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

CRM-30182-2025

Application under Rule 3-A(i) of the Chapter 6, Part-B, Volume-V
of the Punjab and Haryana High Court Rules and Orders for grant of leave is
allowed as prayed for.

CRM-M-41998-2025

1. By virtue of the present 2nd petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No.60 dated 07.07.2024 registered against him, for commission of offences punishable u/s 126(2), 115(2), 109, 118, 118(1), 351(2) of BNS (Section 118(2) BNS was added later on), at Police Station Chabbewal, District Hoshiarpur, has prayed for grant of bail.

2. Relevant facts emerging from documents on record be noticed hereinbelow:-

“Harpreet Sidhu S/o Paramjit Singh, R/o village Bham,

Police Station Chabbewal, Distt. Hoshiarpur, has set the criminal law in motion by filing a complaint pointing therein that on 06.07.2024 at about 06:40 pm, he and his cousin Amritpal Singh were returning back to their home at motorcycle No.PB24D 3362, on way they met the present petitioner, who was armed with Kirpan. Without any provocation petitioner accused gave a Kirpan blow to him (c) and so as to save himself, he raised both hands and blow hit on his arm. When his father came to know about the incident, he confronted the petitioner, who as has been further alleged caused multiple injuries to him (father of the complainant) on various parts of the body. Thus, in crux the allegations levelled against the petitioner is that at the relevant time he was armed with Kirpan and gave repeated blows with the same to complainant and his father. It is further the case of the prosecution that in all Paramjit Singh, (father of the complainant) suffered 06 injuries, 03 of which were declared as 'Grievous' and other 03 were 'Simple'. The petitioner-accused was arrested on 15.07.2024 and has been in custody since then.

On culmination of investigation, challan was prepared and filed in the Court.

3. Petitioner-accused, who was arrested on 15.07.2024 moved an application for grant of bail before the learned ASJ, Hoshiarpur. The same was dismissed vide order dated 29.07.2024. Aggrieved of which, a petition i.e. CRM-M-42308-2025 was filed by him and the same was dismissed as withdrawn on 31.01.2025. Admittedly, this is the second petition for grant of bail.

4. Learned counsel for the petitioner during his brief submissions contends that petitioner has been falsely implicated in the present case. The incident did not occur in the manner as portrayed by the complainant party. In fact, on the complaint lodged by the petitioner, complainant and others have also been arrayed as accused vide DDR No.50 dated 08.07.2024 u/s 126(2),

115(2), 118(1), 191(3), 190, 118(2) BNS. It is further the submission of learned counsel that in the incident petitioner himself also suffered serious injuries. In any case, now even though the examination-in-chief of the complainant-injured has already been recorded but the completion of trial in the near future is quite remote, for out of 19 prosecution witnesses still 17 remained to be examined, thus, likelihood of completion of trial in the near future is quite remote. Learned counsel further contends that petitioner, whose past antecedents are clean, deserves a lenient view in his favour, who has been in custody since 15.07.2024, by extending him the concession of bail. When viewed in the light of submissions advanced hereinabove, learned counsel contends that further incarceration of petitioner in custody, would not serve any useful purpose and would also be violative of his Fundamental rights guaranteed under Article 21 of the Constitution of India. Prayer for allowing the petition has been made.

5. *Per contra*, learned State counsel has opposed the request for grant of bail on the ground that petitioner unleashed a brutal attack not only to the complainant but also to his father, both of whom suffered serious injuries. Attention of the Court has been drawn to the medico-legal report of the injured. Bare perusal of the same indicates that injured suffered 06 injuries on his person including 02 on his vital organs, both of which were declared 'Grievous' in nature. Though it has not been disputed that examination-in-chief of injured has already been recorded. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and have gone through the documents on record.

7. In view of the submissions advanced by learned counsel for the petitioner but without advertting to the merits of the case considering the fact

that petitioner has been in custody since 15.07.2024 and is not involved in any other case, complainant and injured have also been examined, the Court is of the opinion that further incarceration of petitioner would not serve any useful purpose, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail bonds and two surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

23.01.2026
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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