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

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Date of Decision: 05.02.2026

Sukhpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Rehan Gupta, Advocate
for the petitioner.

Mr. Amritpal Singh Gill, DAG, Punjab.

Mr. Gurpreet Singh Bhasin, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)**CRM-51769-2025**

This application has been filed by the applicant-complainant for placing on record the necessary documents as Annexures A-1 to A-3.

Application is allowed, as prayed for and the documents (Annexures A-1 to A-3) are ordered to be taken on record.

Main Case

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.156 dated 27.06.2025 registered under Sections 109, 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, at Police Station

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Canal Colony, District Bathinda.

2. Brief facts of the present case are that the petitioner along with other co-accused caused injuries to the complainant and her daughter with an intention to kill them due to small dispute of accumulation of water on their shared common wall. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that even if the contents of the FIR are taken to be true, even then no specific injury is attributed to the petitioner. He further argued that only dang blow has been attributed to the petitioner on the complainant's daughter (Gurwinder Kaur) and the same does not attract Section 109 of BNS. He further argued that Section 109 of BNS was added by the prosecution only to make the offence graver. Further co-accused Gurdeep Kaur and Disi Singh (mother and father of the petitioner), have already been granted the concession of anticipatory bail by the Co-ordinate Bench of this Court, vide orders dated 19.08.2025 and 01.09.2025, respectively. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 29.06.2025 and nothing is to be recovered from him. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 12 prosecution witnesses but none examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record and while relying upon



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the status report filed in the matter, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He argued that the petitioner is specifically named in the FIR and he has actively participated in the crime. However, he has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.

5. Learned counsel for the complainant adopts the submissions made by learned State counsel and while opposing the prayer for grant of regular bail to the petitioner, has contended that the petitioner has played an active role in the crime and, thus, does not deserve the concession of bail.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 07 months; he has clean antecedents; investigation is complete; challan stands presented; charges framed; no prosecution witness has been examined till date; the complicity of the petitioner is a matter of trial, which is proceeding at snail's pace and the same will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution

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of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

05.02.2026*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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