

**CRM-M-47514-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****152****CRM-M-47514-2025****Decided on :25.03.2026**

Khushpreet

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kamal Narula, Advocate for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

Mr. Ankit Bhinder, Advocate for the complainant.

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SANJAY VASHISTH, J. (Oral)

1. Present second petition has been filed under Section 482 of BNSS, seeking regular bail in case FIR No. 105 dated 28.10.2024, under Sections 118, 115(2), 351(2), 3(5) of BNS (Section 118(2) of BNS was added later on), registered at Police Station Khui Khera, District Fazilka.

2. As per the allegations, on 25.10.2024 at about 12:30 (AM/PM not specified), complainant-Lovepreet Singh, went to an ahata to purchase eggs. In the meantime, co-accused Kuldeep Kumar telephonically informed petitioner-Khushpreet that complainant was present outside the ahata and asked him to come there. While the complainant was purchasing eggs, petitioner-Khushpreet, armed with a kappa; Balwinder Singh @ Bindu, armed with a rod; Amritpal Singh, empty-handed; along with one unidentified person, reached the ahata. Petitioner-Khushpreet Singh inflicted two kappa blows on the head of the complainant, above his right ear. In the course of the assault, the assailants also dragged the complainant by holding his hair.

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Accused-Balwinder @Bindu inflicted a rod blow on the left shoulder of the complainant. Petitioner-Khushpreet further inflicted a kappa blow on the middle finger adjoining the index finger of the complainant's left hand. After recording a video of the occurrence, all the assailants fled from the spot along with their respective weapons

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that petitioner is aged 22 years and is in custody for the last 11 months and 4 days, and even the process of recording of evidence is yet to commence. Thus, the trial is likely to take a considerable amount of time. Accordingly, prayer is made for grant of regular bail.

4. On the other hand, learned State counsel submits that complainant was brutally assaulted. It is further submitted that two of the head injuries were declared simple in nature, whereas the injury suffered on the hand was declared grievous. Therefore, prays for dismissal of present petition.

5. I have heard learned counsel for the parties and perused the paper-book along with the documents appended thereto.

6. On the previous date of hearing, it was apprised to the Court that the next date fixed before the learned Trial Court is 05.03.2026, and the proceedings were adjourned to 25.03.2026 for recording the statement of the injured/complainant. However, as informed by learned counsel for the complainant, witness did not appear, and on that account, the required statement could not be recorded.

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Since the offence is triable by a Court of Magistrate, and petitioner is in custody for a period of last 11 months and 04 days, and prosecution has not taken effective steps to secure the presence of the witness for recording of evidence, accused cannot be kept in detention for an indefinite period.

Accordingly, without expressing any opinion on the merits of the case, present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

8. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

25.03.2026***Rashmi***

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*