

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:030056



120

CRM-M-56144-2025 (O&M)
Date of decision:25.02.2026

Sukhpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Chahit Bansal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. P.S. Dhaliwal, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case arising out of FIR No.57, dated 16.05.2025, registered under Sections 109, 333, 115(2), 324(5), 305, 307, 351(2), 191(3), 190, 249 and 253 of the BNS, at Police Station Dhanaula, District Barnala.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant – Karnail Singh, alleging that on the evening of 16.05.2025, he along with his family members was present in his house, when the petitioner accompanied by the co-accused entered therein after breaking open the main gate of the same. The petitioner was

carrying a *gandasa* whereas the other accused were also armed with weapons. The complainant tried to stop them but the petitioner opened an attack by striking two blows with *gandasa* on his forehead. He had fallen down. His daughter-in-law rushed for his rescue but accused Sukhchain Singh Baria struck a blow with an iron rod on her head. The other members of the family rescued themselves after hiding inside the house. The accused Gurdeep Singh @ Bhim, Bindi and Balkaran struck blows with sticks upon the person of the complainant. All of them had damaged the household articles, proclaimed that they would abduct the grand-daughter of the complainant and also extended threats to them. On clamour being raised, some persons had reached there and then the assailants fled away with their respective weapons. The complainant and his family members were rushed to the hospital for treatment. Subsequently, he came to know that they had also taken away gold ornaments of his daughter-in-law and had damaged his motorbike. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 01.06.2025. The remaining accused were also arrested. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, the motorbike of his son had accidentally hit the front gate of the house of the complainant. Feeling offended, the complainant had taken his bike and kept it inside his house. On the day of incident, the petitioner along with his relatives, had gone to the house of the complainant to apologize and to take his bike back but instead of doing so, the complainant had used abusive language and had extended threats to the petitioner and had also started beating him and his companions

leading to the scuffle. It was the complainant, who was the aggressor and the petitioner had acted in defence to deter further to assault. He is in custody since 01.06.2025. The injuries as found on the person of the complainant have been opined to be caused by blunt weapon and not sharp edged weapon. All the injuries on the person of the injured have been opined to be simple in nature and therefore, the provisions of Section 109 of the BNS are not at all attracted. He is in custody since long. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that the petitioner deserves to be released on bail.

4. Per contra, learned State counsel assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner, who is a habitual offender, being involved in two more cases. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore, stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have entered inside his house and is further alleged to have voluntarily caused injuries upon the person of the complainant and his family members and damaged the articles kept in the house of the complainant. The injuries as sustained by the complainant and his two family members have been opined to be simple in nature. The petitioner is in custody since 01.06.2025. He is not required for further

investigation. Obviously, there are no chances of conclusion of the trial in near future since no prosecution witness has been examined so far. No useful purpose would be served by detaining the petitioner in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception and that pre-trial incarceration should not be a replica of post conviction sentencing.

7. Taking into consideration the above discussed facts, this Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail, subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

25.02.2026

harjeet

(MANISHA BATRA)
JUDGE

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