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CRM-M-61172-2025 (O&M)**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(236)****CRM-M-61172-2025 (O&M)
Date of decision : 15.01.2026****KHUSHKARAN SINGH @ JASHAN****... Petitioner****Versus****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. D.S. Bhinder, Advocate and
Ms. Indira, Advocate for
Mr. Sukhdeep Singh Bhinder, Advocate for the petitioner

Mr. Roshandeep Singh, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.71 dated 06.06.2025 registered under Sections 109, 126(2), 118(1) and Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 118(2) of BNS added later on) at Police Station Sangat, District Bathinda.

2. As per the allegations, on 05.06.2025, the complainant and his father were going towards their place of work on a motorcycle when they were intercepted by the petitioner and the co-accused Lakha Singh, who came riding on a bike. The petitioner was armed with an axe. They opened an attack upon him. The petitioner struck blows with the axe on the head of the complainant, thereby causing serious injuries. The

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co-accused Lakha struck fist blows to him. On clamor being raised, they had fled away from the spot. After registration of FIR, investigation proceedings were initiated. The petitioner alongwith the co-accused was arrested on 06.06.2025. They suffered disclosure statements admitting their involvement in the crime. The petitioner got recovered the weapon of offence. Offence under Section 118(2) of BNS was added during the course of investigation. The same now stands concluded and the petitioner alongwith the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. He is in custody since 09.06.2025. He is not required for further investigation. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. He has clean antecedents. It is, thus, argued that he deserves to be released on bail.

4. Status report and custody certificate have been filed. Learned State counsel has argued that the petitioner had voluntarily caused serious injuries to the complainant one of which was opined to be dangerous to life and one has been declared to be grievous injury. There are chances of his intimidating the material 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 the counsels for the parties at considerable length.

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6. The petitioner is alleged to have opened a murderous assault upon the victim with an intent to kill him and had caused serious injuries on his person. The allegations make out a case for commission of the subject offences against him. However, the petitioner is in custody for a period of 07 months and 05 days. The investigation stands concluded. No fruitful purpose would be served by detaining the petitioner in custody anymore. He has clean antecedents. It is well settled proposition of law that bail is the rule and jail is an exception. Even otherwise pre-trial incarceration should not be a replica of post-conviction sentencing. Taking into consideration, the above discussed facts but without meaning to make any comments on the merits of the case lest the same prejudice either of the parties, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

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

(MANISHA BATRA)
JUDGE

15.01.2026
Amit Sharma

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