2026:PHHC:042795

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

121 **CRM-M-62943-2025**
Date of decision: 18th March, 2026

Rajinder Singh @ Gaggu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sukhcharan Singh Gill, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

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MANISHA BATRA, J (ORAL):-

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 bearing FIR No. 174 dated 12.07.2025 registered under Sections 109, 126(2), 115(2), 351(3), 191(3), 190 and 238 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Bhawanigarh, District Sangrur.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Charanjit Singh alleging therein that in the evening of 10.07.2025, while riding on his activa scooter, he was going towards BSNL Park and when he reached near the Vegetable market, suddenly a Swift car of white colour came from opposite direction. As the road was

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narrow, he parked his vehicle on one side. Accused Gaggu, i.e. the present petitioner, who along with four other persons was occupant of the vehicle, opened the window pane of the vehicle and shouted at the complainant by saying that as to why, he was staring at the car. Gurvir Singh Toor, who was already known to the complainant alighted from the car along with the three other occupants. All of them, while proclaiming that he was talking arrogantly with them, pulled him inside the rear side of the car. They took out weapons which they were carrying and started assaulting the complainant with the same. In the meanwhile, his friend Khushpreet Singh had reached at the spot and raised alarm, on hearing which, several persons gathered there and then the assailants fled away while extending threats to him. He identified two more of them as Husanpreet and Kalu.

3. After registration of FIR, Investigation proceedings were initiated. The petitioner and co-accused Manpreet Singh @ Mani were arrested on 15.07.2025. Co-accused Husanpreet and Gurvir Singh were also arrested subsequently. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a period of over 08 months. He is not required for further investigation. The trial will take considerable time to conclude as none out of 16 prosecution witnesses has been examined so far. Co-accused have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. No

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specific injury had been attributed to him. There is delay of 02 days in reporting the matter to the police. No injury sustained by the victim has been opined to be dangerous to life. The provisions of Section 109 of BNS are therefore not attracted. It is, therefore, argued that the petition deserves to be allowed.

5. *Per contra*, learned State counsel while relying upon the status report has vehemently argued that the allegations against the petitioner are serious and specific in nature. He along with the co-accused had caused multiple injuries to the victim. The injury that has been attributed to him has been opined to be grievous in nature. His antecedents are not clean as he is involved in several other cases. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have voluntarily caused simple as well as grievous injuries on the person of the complainant. The allegations *prima facie* make out a case for commission of subject offences against him. However, he is in custody for a period of about 08 months. The trial will obviously take considerable time to conclude since no prosecution witness has been examined so far. The continued detention of the petitioner will not serve any useful purpose. It is well settled that pre-trial incarceration should not be

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a replica of post-conviction sentencing and that bail is the rule and jail is an exception. The object of jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. Taking into consideration the above discussed facts and circumstances, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ 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 already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th March, 2026
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No

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