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CRM-M-64632-2025 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(239)

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Date of decision : 14.01.2026

NACHHATTAR SINGH @ KATTAR SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gurinder Singh Hayer, 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.152 dated 12.08.2024 registered under Section 333, 118(1), 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') [Section 109 was reduced to 118(2) of BNS] at Police Station City Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib

2. As per the allegations, on 11.08.2024, on receipt of an information about the admission of victim Gurmeet Singh and his wife Paramjeet Kaur in Civil Hospital, Sri Muktsar Sahib in an injured condition, a police party had reached there and recorded the statement of the victim Gurmeet Singh, who alleged that on the same day the

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petitioner, alongwith 02 muffled faced persons had criminally trespassed in his house, armed with a knife and had opened an assault upon him with the same, thereby causing injuries on his person. When his wife rushed for his, she too sustained injuries on her head. After registration of FIR, investigation proceeded were initiated. Two injuries sustained by the victim Gurmeet Singh were declared to be grievous in nature. The petitioner was arrested on 12.08.2024 and is in custody since then. The investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 12.08.2024. The trial will take considerable time to conclude as only one witness has been examined so far. He has clean antecedents. His continued detention would not serve any useful purpose. It is, therefore, stressed that the petitioner 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 simple as well as grievous injuries to the victims, who are none other than the brother and sister-in-law of the petitioner. The allegations against him are serious in nature. There are chances of petitioner's intimidating the witnesses, if extended benefit of bail. It is, therefore, argued 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 in custody since 12.08.2024. The trial will take time to conclude since only 01 out of 21 prosecution witnesses has been examined so far. The petitioner has clean antecedents. The offence under Section 109 of BNS had been deleted, during the course of the investigation. The continued detention of the petitioner is not going to serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. It is also well settled that pre-trial incarceration should not be a replica of post-conviction sentencing. Taking into consideration the above discussed facts, this Court is of the considered opinion that the petition deserve to be allowed. Accordingly, the same is allowed and the petitioner is admitted to bail subject to his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) The petitioner shall appear before each and every date of hearing.

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(iv) The petitioner shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) The petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

(vi) The petitioner shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

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. 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.

(MANISHA BATRA)
JUDGE

14.01.2026
Amit Sharma

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