

2026.PHHC.045880



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-66151-2025

Sachin Kumar

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	20.03.2026
2	The date when the judgment is pronounced	24.03.2026
3	The date when the judgment is uploaded on the website	24.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Navdeep Kaur Brar, Advocate with
Mr. Ramandeep Singh Brar, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

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. 130 dated 30.05.2025 registered under Sections 109, 118(1),115(2), 190, 191(3), 118(2), 117(2), 238 and 55 of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) at

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Police Station Civil Lines, District Bathinda.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Shubham on 30.05.2025, alleging therein that on the same night at about 9:15 PM, he along with his brother Sagar was taking a walk in the area of Danga Peedit Colony, Kikar Wala Chowk when 9-10 youths riding on bikes came to them and stopped their vehicles. The accused Harpreet Singh was one amongst them. He was carrying a sword, whereas the remaining were not known to the complainant. All of them were also armed with weapons. The accused Harpreet Singh made an exhortation that the complainant should be taught a lesson and thereafter, struck a blow with sword with intent to kill him. The blow hit the wrist of his right arm. His accomplices also started assaulting him with their respective weapons. He had fallen down and was still assaulted by them. His brother Sagar being scared stood at a distance but raised clamour, on hearing which several persons reached at the spot and then the assailants fled away. The complainant was rushed to the hospital for treatment.

3. After registration of FIR, investigation proceedings were initiated. The statement of Sagar, brother of the complainant as well as eye-witness, was recorded on 04.06.2025 on the basis of which, the present petitioner and some other persons were nominated as accused. The petitioner was arrested on the same day. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. His name was

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taken by the alleged eye-witness Sagar, five days after the occurrence after making due deliberations and concoctions. He has not been attributed any specific role. Neither he is alleged to have been armed with any weapon. He is in custody since long. The trial will take considerable time to conclude. His antecedents are clean. There is no apprehension of his absconding or intimidating the witnesses. Therefore, it is argued that the petition deserves to be allowed.

5. Status report and custody certificate have been filed by respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail. 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 is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have voluntarily caused simple as well as grievous injuries to the complainant-Shubham. He was not named in the FIR and was nominated on the basis of statement recorded by the eye-witness-Sagar five days after the incident. However, no specific role, injury and weapon has been attributed to him. He is in custody for a period of more than nine months. The trial is likely to take considerable time to conclude, since no prosecution

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witness has been examined so far. The continued detention of the petitioner would not serve any fruitful purpose. It is also well settled that pre-trial incarceration should not be a replica of post-conviction sentencing and 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, the clean antecedents of the petitioner and the period spent by him in custody, 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 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

24th March, 2026
Parveen Sharma

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