

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:010811



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CRM-M-71049-2025 (O&M)
Date of decision:27.01.2026

Rajan Paswan @ Rajan Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amarpreet S. Bathindewala, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

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 benefit of regular bail in case arising out of FIR No.0175 dated 29.06.2025, registered under Sections 109, 331(6), 115(2), 324(4), 191(3) and 190 of the BNS, at Police Station Civil Lines, Bathinda.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant – Shiv Lal, alleging that on the night of 28.06.2025, he along with his family members was present in his house, when the accused Gurlal Singh @ Laddi, while passing through the street gave some indecent remarks to his daughter-in-law Poonam Rani. She tried to stop him from saying so and then accused Gurlal Singh @ Laddi along with other co-accused entered inside the house of the complainant. Accused

Gurlal Singh @ Laddi made exhortations and then opened an attack upon the complainant and his family members while throwing brick stones and gave *dang* blows. The petitioner also reached there and had struck a blow with a *dang* on the forehead of the complainant. Other assailants also caused injuries to the complainant and his family members. On clamour being raised, they fled away. The four injured were rushed to the hospital for treatment.

3. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 05.07.2025. Co-accused were also joined into investigation which already stands completed.

4. It is argued by learned counsel for the petitioner that he has been in custody since long. He is not required for further investigation. The only injury that has been attributed to him is opined to be simple in nature. Co-accused have been extended benefit of anticipatory bail. His further incarceration would not serve any useful purpose. Trial will take considerable time to conclude. He has clean antecedents. It is, thus, urged that he deserves to be released on bail.

5. Per contra, learned State counsel while placing on record custody certificate of the petitioner has argued that the petitioner was a member of an unlawful assembly and in pursuance of common object thereof, simple as well as grievous injuries have been caused to the members of the complainant party. The allegations against the petitioner are serious in nature. There are chances of his intimidating the witnesses, if extended benefit of bail. It is, thus, stressed that he does not deserve to be extended the benefit of bail.

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

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 further alleged to have caused injuries to the complainant. The injury that has been attributed to him is one blow with a *dang* on the forehead of the complainant, which has been opined to be simple in nature. Petitioner is in custody for over a period of 07 months. The trial will obviously take time to conclude since no prosecution witness has been examined so far. No fruitful 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. Pre-trial incarceration should not be a replica of post conviction sentencing. As such, a case is made out for release of the petitioner on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial 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.

(MANISHA BATRA)
JUDGE

27.01.2026

harjeet

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