



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

235

**CRM-M No.71409 of 2025
Date of decision : 19.1.2026
Date of uploading : 19.1.2026**

Gurjinder Singh**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. K.S. Sidhu, Advocate, for the petitioner

Mr. Hemant Aggarwal, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.133 dated 13.9.2025 under Sections 126(2), 115(2), 351(2), 191(3), 190 and 324(4) of Bharatiya Nyaya Sanhita, 2023 (Sections 109, 117(4)/238 of BNS added later on), registered at Police Station Kulgarhi, District Ferozepur.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Gursewak Singh S/o Gurmej Singh R/o Village Jhok Harihar, age about 29 years, M.No.9872804647 stated that I am a resident of the above address, I do agriculture work, we are three sisters and brothers, I have two sisters who are elder and married. I got married in 2016 with Kulwinder Kaur, daughter of Jaswant Singh, resident of village Ghulamivala, Police Station Arif. I have a boy, about 7 years old.



In the year 2019, my wife committed suicide by hanging herself at our house due to domestic problems, due to which a FIR No. 181/19, Police Station Kulgarhi under Section 304-B IPC was registered against me and my parents in Police Station Kulgarhi, which is now being proceeded in the court of the Hon'ble Court Shri Rachpal Singh, ASJ, Ferozepur, which was fixed for yesterday 12-09-2025, and when I, my mother Simarjit Kaur and father Gurmej Singh, into our Alto car bearing number PB-05-Q-3211, at around 1:45 PM, when we had just passed the Cantt. area from Court, we went to Muktsar Road before the Fattuwala bridge, where a white Fortuner and a white Swift Dzire car with 7/8 men with weapons tried to surround us, I immediately called my uncle's son Amarinder Singh son of Hardev Singh that our vehicles were at home. My vehicle was small and old, and we were going slowly. When we went about 1-1/2 kilometers ahead, a Swift Dzire car over take us and surrounded my vehicle from front. When I saw the surrounding vehicle, the vehicle was turning left towards village Kande Shah Wala, so I started to turn there. The Fortuner vehicle from behind hit us with the intention to kill, on which our vehicle overturned and fell into a 4/5 feet deep field. 7/8 men came out from the above vehicles with their weapons. Out of them, my brother-in-law Karaj Singh son of Jaswant Singh resident of Ghulam Wala had an iron rod in his hand. Malkit Singh S/O Jaswant Singh resident of Ghulam Wala also had an iron rod in his hand. Kulwant Singh S/O Jaswant Singh had a iron rod (kapa) in his hand, the rest of the unknown men had baseball bat in their hands. They surrounded my vehicle and Karaj Singh raised lalkara to teach me a lesson for killing their girl. Malkit pulled me out of the car window and all of them attacked me with the intention to kill me. Two unknown men grabbed my arms and Karaj Singh hit me with his iron rod which hit my right leg, knee and foot, again Malkit Singh hit my left leg and knee. Kulwant Singh hit me with his iron rod in his hand, which hit my shoulder. The unknown man kicked me in the face and Malkit Singh hit me again with his iron rod on my face. Karaj Singh hit me again. Karaj Singh hit me again on the right side of my face. People started gathering



on the main road, and my uncle's son Amarinder Singh, whom I had called, also came. Seeing the people gathering, all the accused ran away with their weapons in their vehicles. My uncle's son chased them all and saw it with his own eyes. He, along with the people took my parents out of the vehicle and brought me to the Amandeep Hospital, Ferozepur. Yesterday, Amandeep Hospital gave me first aid and after that, my family members brought me to Civil Hospital, Ferozepur, where I am undergoing treatment and X-rays have been done. So, they have attacked us and attacked us with the intention to kill all of us. Legal action should be taken against them. We have written a statement and heard it. It is correct. Sd/-Gursewak Singh confirms the above statement.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 27.9.2025. Learned counsel has further submitted that the petitioner was not named in the FIR. Learned counsel has further submitted that the petitioner has been arrayed into the FIR in question on account of supplementary statement. Learned counsel has further submitted that no specific injury has been attributed to the petitioner, which may invoke the offence under Section 109 of BNS (earlier Section 307 of IPC). Learned counsel has further submitted that investigation into the FIR is already complete and challan stands presented. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 18.1.2026 in Court, which is taken on record.



5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 27.9.2025 wherein after investigation was carried out and challan stands presented on 24.12.2025. Total 25 prosecution witnesses have been cited and it is not disputed before this Court that none has been examined till date. Culmination of trial but of course will take time. It is also not in dispute that the injured witness (injuries upon whom has invoked the offence under Section 109 of BNS) stands discharged from the hospital. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 18.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 months and 23 days. As per the said custody certificate, the petitioner is stated to be involved in 4 more cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the



facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those



which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

19.1.2026
Ashwani

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