



CRM-M-73074-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of Decision: 11.03.2026

GURWINDER SINGH

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. K.S.Kahlon, Advocate for the petitioner.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 483 of the BNSS, 2023 for grant of regular bail to the petitioner in FIR No. 70 dated 16.08.2025 under Sections 109,115(2), 3(5), 118(1) BNS, 2023 (Sections 118(2)/238 of BNS of 2023 added later on) registered at Police Station Bhaini Mian Khan District Gurdaspur.

2. The case of the prosecution is that the petitioner and his co-accused namely Jeet Pal Singh were armed with *dattar* and inflicted injuries upon the complainant when he had gone to his field. They came there and raised a *lalkara* to teach the complainant a lesson for raising a dispute with them on 30.07.2025. Thereafter, Jeet Pal Singh gave a *dattar* blow on the head of the complainant with an intention to kill him, which hit the left side of his face, due to which his left ear was chopped off. The complainant also received injuries on his head as well as on his left cheek and fell down on the ground. Thereafter, Jeet Pal Singh gave three more *dattar* blows causing injuries on his left hand, left forearm and left elbow. The petitioner also gave *dattar* blows towards the complainant and he raised his right hand to save himself from the said blows, due to which he

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suffered injuries on the little finger of his right hand. Thereafter, the petitioner again gave *dattar* blows with its reverse side on the abdomen of the complainant.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the injury attributed to the petitioner is simple in nature and nothing has been recovered from the petitioner. He further submits that there is a delay of 08 days in the registration of the FIR. The petitioner has been in custody since 10.09.2025.

4. Notice of motion.

5. Mr. Parneet Singh Pandher, learned Assistant A.G., Punjab, accepts notice on behalf of the respondent–State. He has vehemently opposed the prayer made by learned counsel for the petitioner for the grant of regular bail. He has filed the status report by way of affidavit of Kulwant Singh, PPS, Deputy Superintendent of Police, Sub-Division Rural, District Gurdaspur and custody certificate in Court today and the same are taken on record. As per the custody certificate, the petitioner is in custody for the last 05 months and 26 days and is not involved in any other case. He further submits that out of 32 prosecution witnesses, none has been examined so far.

6. Ms. Gaganbir Kahlon, Advocate accepts notice on behalf of the complainant. She has vehemently opposed the prayer for grant of regular bail on the ground that the petitioner has actively participated in the occurrence which led to brain injury to the complainant.

7. I have heard the submissions made by the parties and gone through the record.

8. Keeping in view the facts and circumstances of the case and considering the fact that the petitioner is in custody for the last 05 months and 26



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days; the petitioner is not involved in any other case; out of 32 prosecution witnesses, none has been examined so far; and the trial is likely to take considerable time to conclude, this Court is of the view that further detention of the petitioner would not serve any useful purpose. Moreover, it is a settled principle of law that “*bail is the rule and jail is the exception.*”

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

11. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

11.03.2026

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(H.S.GREWAL)
JUDGE

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