

141 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH



CRM-M-73944-2025 (O&M)

Date of Decision: 17.03.2026

BALWINDER @ BABA

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

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

Present:- Mr. Shivender Pal, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. The petitioner is seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) in FIR No.179 dated 14.06.2023 registered under Sections 379-B(2), 302, 511, 34 IPC at Police Station Sadar Amritsar, District Amritsar.

2. The case of the prosecution is that on 11.06.2023, complainant Thomas and his son Gagan went to the market. Near Janjghar Chowk, two assailants attacked them - one was a Sikh man armed with a sharp-edged weapon and another was a clean-shaven person with a baseball bat. They attempted to snatch money from Gagan. Upon resistance and identification, the attackers assaulted Gagan, causing serious injuries. He was taken to hospitals in Amritsar and Jalandhar, where he succumbed to the injuries. The accused were identified as Balwinder @ Babba (the petitioner) and Gautam.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The FIR has been registered after an unexplained delay of 3 days. The petitioner is in custody for the last 01 year, 11 months and 26 days.

4. Notice of motion.

5. Mr. Parneet Singh Pandher, A.A.G., Punjab accepts notice on

behalf of the State and vehemently opposes the prayer for grant of regular bail to

the petitioner on the ground of gravity of allegations. Learned State counsel has filed the custody certificate in Court, which is taken on record. He further submits that as per the custody certificate, the petitioner is in custody for the last 01 year, 11 months and 26 days and is involved in four more cases.

6. I have heard the learned counsel for the parties and perused the record.

7. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that no prosecution witness has been examined yet; the complainant is not appearing before the Court to depose for the prosecution and causing further delay; he is in custody for the last 01 year, 11 months and 26 days; the conclusion of trial is likely to take a long time and continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial. Moreover, *'bail is rule and jail is exception'*.

8. 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 bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

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

(H.S.GREWAL)
JUDGE

17.03.2026
Janki

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