



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

328

CRM-M-19506-2025

Date of decision: 8th May, 2025

Harminderjit Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Deepak Verma, Advocate for the petitioner.

Mr. Vivek Sharma, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

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. 131 dated 20.08.2024 registered under Sections 115(2), 118(1), 118(2), 109, 191(3), 190, 333 and 324(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Garhshankar, District Hoshiarpur.

2. As per the allegations, on the night of 18.08.2024, the complainant Sukhjeet Singh and his Manager Amir Gogi, were sleeping in his poultry farm taken by him on rent from one Harjinder Singh about one month back, when they heard sounds of some vehicles reaching at the gate of poultry farm. Two persons scaled the wall of the poultry farm. The complainant identified them as accused Manjinder Singh and Happy son of Amrik Singh. They were armed with swords. They opened the gate after



scaling over the wall and then 12-13 persons with muffled faces barged inside the poultry farm being armed with weapons. Accused Manjinder Singh and Happy made an exhortation for teaching a lesson to the complainant and opened an assault upon him. Accused Manjinder Singh struck a blow with *kirpan* thereby hitting his head, whereas the remaining started assaulting him with their respective weapons thereby causing several injuries on his person. His Manager rushed for his rescue but he too sustained injuries at the hands of the petitioner. On clamour being raised by them, the assailants fled from the spot while damaging the motorbike of the complainant. Information was given to father of the complainant who took him to hospital. On his statement, the aforementioned FIR was registered. Investigation proceedings were initiated. The complainant recorded a supplementary statement, wherein he named the present petitioner along with some other co-accused and he was nominated as such. He was arrested on 05.09.2024. He suffered a disclosure statement leading to recovery of a *Khanda* used in the crime. Investigation has since been completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case by the complainant by making a supplementary statement after making due deliberations and concoctions. He was not named in the FIR. No specific act has been attributed to him. A false recovery is planted upon him. He is in custody since long. There was inordinate delay in lodging of the FIR. Trial will take considerable time to conclude. His further detention would not serve any useful purpose. He has



clean antecedents. There are no chances of his absconding. Accordingly, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab, that there are serious allegations against the petitioner and hence, he does not deserve to be extended benefit of bail.

5. This Court has heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner by forming membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly, is alleged to have criminally trespassed into the farm house of the complainant on the fateful night and is alleged to have caused simple as well as grievous injuries to the complainant. He was not named in the FIR and was nominated as an accused on the basis of supplementary statement recorded by the complainant. The injury which has been attributed to the petitioner has been opined to be simple in nature, though, as per the medico legal report, the victim had sustained as many as 34 injuries in the incident and all of them were dangerous to life collectively. The petitioner is in custody since 08.09.2024. Trial will take considerable time to conclude since no witness has been examined so far. There is no basis for the contention that the petitioner will intimidate the witnesses. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the opinion that the petitioner makes out a case for release on bail at this stage. Accordingly, the petition



allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

8th May, 2025

Parveen Sharma

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