



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-41982 of 2025

Date of Decision: 08.08.2025

Tarsem Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Madan Sandhu, Advocate
for the petitioner(s).

Surya Partap Singh, J.

1. This first petition for regular bail has been filed by the petitioner who is facing prosecution for the commission of offence punishable under Sections 109, 115(2) and 117(2) of the Bharatiya Nyaya Sanhita, 2023.
2. Notice of motion.
3. Since advance notice had already been served upon the State, Mr. Rohit Bansal, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent.
4. In nutshell, the allegations against the petitioner are that on 26.07.2024 he being a driver of JCB Machine No. PB-03-AW-7648, with an intention to kill, hit the complainant-Lakhwinder Singh who was asleep. As per the complainant, in the above mentioned attack he suffered serious injuries and suffered fracture in hip bones.
5. The learned counsel for the petitioner has argued that the

petitioner has already suffered sufficient incarceration for being in custody for more than 10½ months, and that nothing is left to be recovered from the possession of petitioner, and is that his further detention will not serve any purpose.

6. Per contra, the learned State counsel, who was served with advance notice, has argued that although the State has not opted to file any reply, yet he is opposing the bail application and that the allegations contained in the FIR being quite satisfactory and name of the petitioner being in the FIR, the petitioner is not entitled for the benefit of bail.

7. The record has been perused carefully. For the determination of present bail application following are the relevant factors which need to be taken into consideration:-

- i) that the petitioner/accused is in custody since 17.09.2024, i.e. for more than 10½ months;
- ii) that nothing is left to be recovered from the possession of the petitioner/accused;
- iii) that the trial is not likely to be concluded in the near future;
- vi) that detention of the petitioner/accused is not likely to serve any purpose;
- v) that there is nothing on record to show that the petitioner is facing any other prosecution.

8. Taking into consideration the cumulative effect of all the aforesaid facts, the present petition is hereby allowed and therefore, the petitioner is admitted to bail subject to his furnishing bail bonds to the

satisfaction of the trial Court. In case, the learned trial Court concerned is not available on the date of furnishing bail bonds, the learned Sessions Judge shall be at liberty to assign the above duty to any other Court.

9. It is, however, made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

August 08, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No