



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

234

**CRM-M No.51242 of 2025
Date of decision : 17.9.2025**

Gorkha SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. S.P. Singh Thor, Advocate, for
Mr. Rajender Kumar, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, 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.362 dated 7.12.2024, under Sections 181(1), 115(2) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (Section 118(2) of BNS added later on vide DDR No.25 dated 17.3.2025), registered at Police Station Sadar Mansa, District Mansa.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Copy of Statement, Statement of Jeet Singh son of Sukhdev Singh son of Chhota Singh resident of Chhapianwali aged about 38 years mobile no. 94641 19917. Stated that I am resident of above mentioned address and



work as driver of crop cruiser. I have studied upto 5th class and can read Punjab. On dated 03.12.2024 at about 8-8.30 p.m. I was going out of my house to take fetch wood in the street when in front of the house of Bogha Singh son of Karam Singh resident of Chhapianwali in the street, Jagga Singh son of Sadhu Singh Gorkha Singh son of Jagga Singh, Kukri Singh son of Lali Singh, Lali Singh son of Sadhu Singh resident of Chhapianwali were standing inside Bogha Singh's house, Bogha Singh and Makhan Singh son of Pitta Singh resident of Chhapianwali were also standing and talking. When I reach in front Bogha Singh's house Lali Singh son of Sadhu Singh hurled and abusing at me and Jagga Singh took out a knife from his side and hit me it on my back/Gorkha Singh son of Jagga Singh hit me on the head above my right ear with a knife and Kukri Sing son of Lali Singh hit me on the back of my head with a knife. I fell down, in the meantime my brother Gurdhian Singh son of Sukhdev Singh resident of Chhapianwali also came on spot. My brother and I shouted don't kill me- don't kill me Begha Singh and Makhan Singh sons of Pitta Singh resident of Chhapianwali standing nearby, said don't kill me. Then said persons took the weapons in their hands and fled from the spot. Then my brother Gurdhian Singh arranged the vehicle and admitted me in govt. hospital Mansa. Due to seriousness of injuries I was referred to higher hospital then my brother admitted me in AIIMS hospital at Bathinda. Where, I am under treatment. I have read and heard my statement it is correct. Take the appropriate legal action against the above said person. LTI/ Bogha Singh.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 3.6.2025. Learned counsel has further argued that the petitioner was granted the concession of anticipatory bail by the concerned Court on 13.1.2025 but was later on arrested on 3.6.2025 in view of Section 118(2) of BNS being invoked by the police vide DDR No.25 dated 17.3.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question on account of a panchayat issue. Learned counsel has further argued that there is no



allegation against the petitioner that he has misused the concession of bail extended to him earlier by the concerned Court on 13.1.2025. Learned counsel has further submitted that the petitioner is a young man aged 19 years with no criminal antecedents. 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 16.9.2025 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. It is not in dispute that the petitioner was earlier granted the concession of anticipatory bail by the concerned Court on 13.1.2025 and was taken into custody on 3.6.2025 upon invoking/adding of Section Section 118(2) of BNS by the police. Investigation *qua* the petitioner is already complete and challan stands presented on 2.8.2025. Total 19 prosecution witnesses have been cited but none has been examined till date, charges are yet to be framed. It is thus indubitable that culmination of trial will take its own time. 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.

As per custody certificate dated 16.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 months and 12 days & is not shown to be involved in any other case.

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/Illaqa 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

17.9.2025
Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No