

2025:PHHC:063374



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

**105+246**

**CRM-19601-2025 and  
CRM-19602-2025 in  
CRM-M No.14486 of 2025  
Date of Decision: 12.05.2025**

Yadvinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Bhriagu Dutt Sharma, Advocate,  
for the applicant-petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,  
for the respondent-State.

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**MANISHA BATRA, J. (Oral)**

**CRM-19601-2025**

The application is allowed and offence under Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") is ordered to be added in the head note, para No.1 and prayer clause of the petition.

**CRM-19602-2025**

The application is allowed and Annexure P-3 is ordered to be placed on record.

**Main Case**

1. Fresh Vakalatnama on behalf of petitioner has been filed.
2. Custody certificate has been filed and the same is taken on

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record.

3. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Sections</b>
05	15.01.2025	City Morinda, District Rupnagar	115(2), 110, 351(2), 191(3) and 190 of BNS (117(2) of BNS added later on)

4. Adumbrated facts as emanating from the record are that on 13.01.2025, the complainant Lakhi Shah was standing outside his dhaba namely, Mama Dhaba and was talking to someone, when a white coloured car came from Sirhind road side and stopped in front of his dhaba. Some youths alighted from the same. They were armed with weapons and at once opened an attack upon him with an intention to kill him by striking blows with daats and baseballs they were carrying. One of them was also extended threat to kill him. The clamour raised by him attracted the persons present in his dhaba and adjoining liquor vend who had rushed for his rescue and then the assailants fled away. Information was given to his younger brother who rushed him to hospital. On his complaint, initially FIR was registered against unknown persons. Investigation proceedings were initiated. On 01.02.2025, the complainant recorded his supplementary statement and took the name of the petitioner and the co-accused. The petitioner was arrested and is in custody since 03.02.2025. The co-accused were also arrested. Investigation

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stands completed.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. No specific overt act has been attributed to him. The co-accused Jaskaran Singh against whom there are more serious allegations, has been extended benefit of bail. He was named 17 days after lodging of the FIR. His further detention would not serve any useful purpose. He has clean antecedents. The trial would take time to conclude. On parity, he too deserves to be extended benefit of bail. As such, it is argued that he deserves to be released on bail.

6. Per contra, learned Assistant Advocate General, Punjab has submitted that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail.

7. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

8. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have caused simple as well as grievous injuries to the complainant. The FIR was registered after a gap of two days and the name of the petitioner was taken by the complainant after a gap of seventeen days. As mentioned above, the co-accused Jaskaran Singh has already been extended benefit of bail. Trial has commenced but will take time to conclude since even charges have not been framed so far. No useful purpose would be served by keeping him in custody anymore. It is well

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settled proposition of law that bail is the rule and jail is an exception. Keeping in view the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

**12.05.2025**  
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**(MANISHA BATRA)  
JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No