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2025:PHHC:132172



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

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Date of decision: September 23, 2025

Pargat Singh

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Ravinder Singh, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

Mr. Mohit Shukla, Advocate for respondent No.2/ complainant.

***********SUMEET GOEL, J. (ORAL)**

Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.193 dated 08.12.2024, registered for offences punishable under Sections 115(2), 118(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), at Police Station City-2, District Mansa.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Kulwant Singh, had stated that on 05.12.2024, he

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sustained serious and grievous injuries on his head, forehead, legs, and arms, inflicted by the accused persons. According to the prosecution's version, all the accused persons, including Laddi Singh and Sukhvir Singh along with two other unknown individuals, are alleged to have caused these injuries. Subsequently, the names of the present petitioner and another accused, namely, Harmail Singh, came to light in the supplementary statement recorded on 25.12.2024.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 08.03.2025. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that assuming *arguendo*, the prosecution version is taken to be correct, the role attributed to the petitioner is of giving injury on the arms/ legs of the injured with a wooden stick (*daang*). Learned counsel has also argued that offence under Section 109 of BNS is not made out against the petitioner in view of the factual milieu of the case in hand. Learned counsel has placed reliance upon an affidavit dated 18.08.2025 in this regard stated to be sworn in by Kulwant Singh (respondent No.2/ complainant) [copy whereof is appended as Annexure P-2 with the petition). Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, hence, he ought not to be extended concession of regular bail. Learned State counsel seeks to place on record the custody certificate dated 22.09.2025 in the Court today, which is taken on record.

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4.1. Learned counsel for respondent No.2/ complainant has blocked the veracity of the aforesaid affidavit dated 18.08.2025 stated to be sworn in by respondent No.2/ complainant, namely, Kulwant Singh.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 08.06.2025 whereinafter the investigation was carried out and the challan has been presented on 29.08.2025. Out of total 21 prosecution witnesses cited, none has been examined till date. The rival contentions raised at Bar; including as to whether offence under Section 109 of BNS is made out against the petitioner and veracity/ weightage required to be attached to the aforesaid affidavit dated 18.08.2025 (Annexure P-2) stated to be sworn in by respondent No.2/ complainant, namely, Kulwant Singh; 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.

6.1. As per custody certificate dated 22.09.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 13 days, & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

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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 cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty 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.

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11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 23, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No