IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-50422-2026 (O&M)
Date of decision: 11.09.2026

GURINDER SINGH

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Kanwaljeet Singh Derabassi, Advocate and
Mr. Davinder Singh Dhanoa, Advocate
for the petitioner.

Mr. Akash Yadav, AAG Punjab.

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Shalini Singh Nagpal, J. (Oral)

1. Petitioner seeks regular bail in FIR No.145 dated 15.04.2026 under Sections 109, 115(2), 132, 221, 140(3), 62, 191(3) and 190 of Bharatiya Nyaya Sanhita (B.N.S.), 2023, Police Station Sadar Kharar, District SAS Nagar. Sections 27, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 have been added in the FIR during investigation. This is the first petition for regular bail.

2. It is alleged that on 15.04.2026, when SI Gurwinder Singh along with other police official was on patrolling duty, secret information was received regarding drug trafficking by criminals, upon which the police party split. SI Gurwinder Singh along with SI Davinder reached the disclosed place where 3-4 young boys were found standing on 2 motorcycles. When they started questioning them, one of them made a phone call to his companions who reached the spot. 5-6 young boys armed with sharp weapons, sticks etc. opened attack with the intention to kill them. SI Gurwinder Singh suffered injuries on left side of forehead besides internal injuries. The accused tore his

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uniform and tried to kidnap him, however, he saved himself. In the meanwhile, the second police party reached the spot and apprehended them.

3. Learned counsel for the petitioner submits that the injuries allegedly suffered by the police official were all simple in nature and Section 109 BNS had been invoked only to aggravate the offence. He further submits that petitioner was in custody with effect from 05.05.2026. Investigation was complete and challan had been presented in the Court. He further submits that co-accused, namely, Gurinder Singh *alias* Billa and Harjinder Singh *alias* Jinder were allowed regular bail on 26.08.2026 and 09.09.2026, respectively. Petitioner, who was attributed similar role, also deserved to be released on regular bail on parity.

4. Notice of motion.

5. Mr. Akash Yadav, AAG Punjab, accepts notice on behalf of respondent State. Custody certificate dated 10.09.2026 has been filed by State of Punjab, which is taken on record. Learned State counsel concedes that no other case was pending against petitioner, however, he opposes the prayer for regular bail on the ground that petitioner attacked a police official while he was discharging his official duties. He thus prayed for dismissal of the petition.

6. Petitioner is behind bars with effect from 19.04.2026. Injuries allegedly inflicted to SI Gurwinder Singh are simple in nature. Whether or not the petitioner had murderous intention is a question, which can be determined only on conclusion of trial, on the basis of evidence led. Antecedents of petitioner are clean. Co-accused has been enlarged on bail. In view of cardinal principle of criminal jurisprudence that ‘bail is the rule and jail an exception’

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but without commenting on merits, the petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail and surety bonds to the satisfaction of Trial Court/Duty Magistrate.

7. Pending applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)

JUDGE

11.09.2026
HS.CHAUHAN

Whether Speaking/Reasoned : *Yes/No*
Whether Reportable : *Yes/No*

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