

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

(127)

CRM-M-72219-2025 (O&M)
Date of decision : 24.03.2026

SARABJIT SINGH ALIAS SABA ALIAS SHABA SINGH**... Petitioner****Versus****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. L.M. Gulati, Advocate for the petitioner

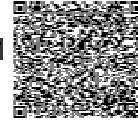
Ms. Sakshi Bakshi, AAG, Punjab

Mr. V.K. Sandhir, Advocate for the complainant

MANISHA BATRA, J. (ORAL)

1. The instant petition has been preferred by the petitioner for grant of regular bail in case arising out of FIR No.0244 dated 18.09.2025 registered under Sections 333, 326(g), 115(2), 324(4), 324(5), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short "BNS") at Police Station Ajnala, District Amritsar Rural.

2. The aforementioned FIR was registered on the basis of statement got recorded by the complainant Shindi Kaur alleging that on 13.09.2025, her husband Bau Singh was assaulted by Nikka Singh. He had sustained injuries and was admitted in Civil Hospital, Ajnala. On the same night, when she was sleeping in her house, the petitioner accompanied by the co-accused and 20/25

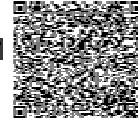


unknown persons forcibly entered inside her house. They were armed with weapons and hurled abuses to her family members and herself. On resistance, they started extending beatings to them. To save themselves, they fled from their house and concealed themselves in the house of their neighbours. The petitioner and the co-accused had damaged the household articles kept in her house, set fire to her clothing, bedding and other articles; demolished the boundary wall and also took away gold ornaments and cash amount of Rs.1,50,000/- from her house. The reason was that a minor scuffle had taken place between Nikka and her son Major Singh.

3. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 27.09.2025 and is in custody since then. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on false and general allegations. It is a case of version and cross-version. No specific overt act has been attributed to him. There is no medico-legal report to show that the complainant and her family members had sustained any injury. No recovery has been effected at the instance of the petitioner. He is in custody since 27.09.2025. He is not required for further investigation. His antecedents are clean. There is a delay of 05 days in lodging the FIR. His continued detention would not serve any useful purpose. It is, therefore, argued that the petition deserves to be allowed.

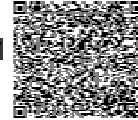
5. Per contra, learned State counsel assisted by learned counsel for the complainant has argued that the allegations against the petitioner are quite



serious in nature, as he alongwith unknown persons trespassed the property of the complainant, damaged the house of the complainant by forming an unlawful assembly and beaten them. It is, therefore, argued that the petitioner does not deserve to be extended benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, entered into the house of the complainant, extended beatings to her family members and herself and damaged her house. However, no injury has been sustained by the complainant party. Though, he has been named in the FIR, however, no specific overt act has been attributed to him. He is in custody since 27.09.2025. There are no chances of conclusion of trial in the near future. No recovery has been effected from the petitioner. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing. The object of the jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. Taking into consideration the nature of the allegations as levelled against the petitioner, the part attributed to him and the circumstances as peculiar to this case, this Court is of the considered opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the



satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent-State to seek redressal by filing an application seeking cancellation of bail.

9. It is, however, clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

24.03.2026
Amit Sharma

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No