

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-31622-2026 (O&M)
Decided on : 03.08.2026

GURBANS SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Impinder Singh Dhaliwal, Advocate,
for the petitioner.

Mr. Gurpartap Singh, AAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gurbans Singh, aged about 35 years	049	20.04.2026	91, 62, 118(1), 115(2) of BNS [erstwhile sections 315, 511, 324, 323 of IPC]	Lakhewali	Sri Muktsar Sahib

2. In the present case, allegations arise out of an incident that allegedly occurred on 14.04.2026 at about 4 P.M. and again on 15.04.2026 at about 8:00 A.M. Petitioner, who is the husband of the



complainant-Joginder Kaur, is alleged to have physically assaulted her, pursuant to which present FIR was registered against him.

Marriage between the petitioner and complainant was solemnized on 05.05.2019, and two daughters were born out of the said wedlock. Elder daughter is about five and a half years old, while younger daughter is about two years old. At the relevant time, complainant was pregnant of approximately three months. It is alleged that petitioner, after consuming liquor, would frequently quarrel with and physically assault the complainant. He allegedly persistently pressured her to undergo an ultrasound examination to ascertain the sex of the foetus, as he was unwilling to have another female child. On the day of the occurrence, petitioner allegedly caught hold of the complainant by her hair, banged her head against a wall, and repeatedly assaulted her with fists and kicks. It is further alleged that he caused injuries on her forearms with a knife/vegetable cutter. On the basis of the statement made by the complainant, present FIR came to be registered on 20.04.2026, i.e., after a delay of five days from the date of the alleged occurrence.

3. Learned counsel for the petitioner submits that there is an unexplained delay of five days in lodging the FIR, despite the alleged incident having taken place on 15.04.2026. It is further contended that although complainant sustained eleven injuries, but all of them are opined to be simple in nature. Thus, learned counsel prays for grant of regular bail to the petitioner.



4. In response, learned State counsel has produced the status report dated 01.08.2026, which is taken on record. Registry is directed to tag the same at the appropriate place on the file.

A copy thereof has been supplied to learned counsel for the petitioner.

5. Referring to the status report, learned State counsel submits that petitioner did not want a third female child and, therefore, repeatedly compelled the complainant to undergo an ultrasound examination for determination of sex of the foetus so that, in the event of a female foetus, pregnancy could be terminated. Since complainant refused to undergo such an illegal procedure, petitioner allegedly subjected her to severe physical assault and attacked her with a sharp-edged weapon, causing total eleven injuries.

However, learned State counsel is unable to dispute the fact that all the injuries suffered by the complainant, were declared simple in nature.

Nevertheless, it is submitted by learned State counsel that petitioner acted with the intention of preventing the child from being born alive, thereby attracting the provisions of Section 91 of the Bharatiya Nyaya Sanhita, 2023. It is argued that since offence is grave and petitioner acted in a brutal manner, he does not deserve the concession of bail.

6. This Court has heard the learned counsel for the parties and has carefully perused the material available on record.



7. Admittedly, allegations arise out of a matrimonial dispute between husband (petitioner herein) and wife (complainant herein). Conduct attributed to the petitioner, if ultimately established, is undoubtedly reprehensible. However, petitioner has remained inside jail since 21.04.2026, i.e., for a period of more than three months. Investigation stands completed, and conclusion of the trial is likely to take considerable time.

8. Keeping in view the totality of facts and circumstances of the case, nature of the allegations, period of incarceration already undergone by the petitioner, and without expressing any opinion on the merits of the case, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind bars for an indefinite period during the pendency of the trial.

Consequently, prayer made in the present petition is allowed.

Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an



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independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

11. Before parting with this order, having regard to the conduct attributed to the petitioner, this Court deems it appropriate to observe that complainant/injured, if she so desires, may continue to reside at her parental home (*mayka*), till the delivery of the child and until she regains her normal physical and mental condition.

This observation is being made with a view to ensure that no untoward situation or inconvenience arises for the complainant in the matrimonial home during this sensitive period. It would also be in the larger interest of the family, if the petitioner makes sincere efforts to overcome his habit of consuming liquor and takes due care of his aged mother and family responsibilities.

12. Petition stands disposed of.

13. Pending miscellaneous application(s), shall also stand disposed of.

(SANJAY VASHISTH)
JUDGE

03.08.2026

Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO