

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3524-2025
Reserved on: 04.02.2025
Pronounced on: 14.02.2025

Sukhwant Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Paviterdeep Singh Bhinder, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
193	10.11.2024	Dirba, Distt. Sangrur	125, 351, 3(5) of BNS, 2023 & 25, 27, 54, 59 of Arms Act (Sections 109, 324(4) and 61(2) BNS, 2023 added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS] (Earlier Section 439 CrPC), seeking regular bail.
2. In paragraph 20 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. That pursuant to the order, it is submitted that the brief facts of the instant FIR No.193 dated 10.11.2024 for offence under section 125, 351, 3(5) BNS 2023 (section 109 BNS added later on vide DDR No. 36 dated 12.11.2024) and sections 25, 27 of Arms Act P.S. Dirba are that, the present FIR was registered against un-known persons on the basis of statement of the complainant namely Karamjeet Singh @ Karma son of Shera Singh resident of Shadiheri, at P.S. Dirba, District Sangrur, with the

allegation that, "On 09.11.2024, he (complainant) and his family, during night time, after having dinner, had slept and on 10.11.2024 at around 01:15 AM, he woke up for urination purpose and his younger brother Hardeep Singh also woke up and then they both came to the courtyard and he (complainant) went towards the roof of his house (Kotha) and saw that one car was stopped in front of the main gate of his house. One unknown person came out from the conductor seat and one unknown person seen coming out from the back seat and the unknown driver of the car, after starting the car, was sitting inside the car. Then the person who had come out from the conductor seat, holding pistol/revolver in his hands, made two continuous fires towards main gate of his house and then they fled away from the spot with weapon alongwith said car. The incident was captured in the CCTV camera installed in his house. On discussing, he (complainant) and his family members came to know that on dated 09.11.2024, one unknown person, for the purpose of purchase of buffalo, had come to his brother Hardeep Singh in Car No. DL-4-CNB-7665 make Scorpio, to whom, his brother Hardeep Singh told that Karam Singh has no buffalo. After the death of his brother Major Singh, his wife Swarnjit Kaur, as per social custom, became his responsibility and from the loins of his brother Major Singh, Swarnjit Kaur has one daughter Rupinder Kaur and one son Jashanpreet Singh. His niece Rupinder Kaur, now-a-days, is residing in America, whose marriage has taken place with Navdeep Singh son of Randeep Singh resident of Arjan Walanear Adampur District Jalandhar. Randeep Singh (father of hisson-in-law Navdeep Singh) has been making phone calls to him (complainant) and his relatives, with regard to money transaction. He (Randeep Singh) also blame us that due to Rupinder Kaur, a distance has come in the relations between him and his son Navdeep Singh, due to which he is residing separately from him (Randeep Singh). Action be taken against above said un-known persons" On the basis of said statement of Karamjit Singh @ Karma, present FIR was registered against un-known persons."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.
5. The State's counsel opposes bail and refers to the status report.
6. It would be appropriate to refer to para 12(A) of the status report, which read as

follows:

"12. A. ROLE OF THE PETITIONER:

The present FIR was registered against three un-known persons on the basis of statement of Karamjeet Singh @ Karma. During investigation, on the basis of facts came on file persons namely Sandeep Singh @ Soni, Gurpreet Singh @ Gaggu and Varinder Singh were nominated as accused in this case. On 13.11.2024, during investigation Hardeep Singh (brother of complainant) recorded his supplementary statement that on 09.11.2024, accused Sandeep Singh did reiky through scorpio car bearing No.DL 4CNB 7665 during day time, at that time, his father Sukhwant Singh @ Sukhdev Singh (now petitioner) was also remain present with him. On the basis of supplementary statement of Hardeep Singh, persons namely Sukhwant Singh @ Sukhdev Singh (father of accused Sandeep Singh @ Soni) and his co-accused were nominated as accused in this case vide DDR No. 55 dated 13.11.2024. It was duly substantiated that accused Sandeep Singh @ Soni did reiki on 09.11.2024. There after, accused Sandeep Singh @ Soni, Varinder Singh and Gurpreet Singh @ Gaggu in connivance with each other made firing upon the complainant house with the intention to kill Hardeep Singh. As per statement of Hardeep Singh (brother of complainant), accused Sandeep Singh did reiky through scorpio car bearing No.DL 4CNB 7665 during day time, at that time, his father Sukhwant Singh @ Sukhdev Singh (now petitioner) was also remain present with him. So, a specific role is attributed to the petitioner in the commission of present offence."

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 18 of the bail petition, the petitioner has been in custody since 27.12.2024. As per the same, the petitioner's total custody in this FIR is around one month and ten days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's

official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

14. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

15. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the

official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

14.02.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.