



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-38981-2024

Date of decision: 20.08.2024

Sukhjinder Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Harpreet Singh Multani, Advocate and
Mr. Ramaninder Singh Jagpal, Advocate
for the petitioners.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.101 dated 10.05.2024 under Sections 307, 295, 323, 341, 506, 148, 149 of the IPC registered at Police Station Sadar Ludhiana, District Commissionerate Ludhiana.

2. Mr. Upinder Singh, Advocate has entered appearance and filed his power of attorney on behalf of the complainant which is taken on record.

3. Learned counsel for the petitioner submits that a perusal of the FIR which has been reproduced in the body of the paperbook, reveals that the petitioners were neither named therein nor any suspicion raised qua their involvement in the crime in question. It has been further submitted that the petitioners came to be nominated as accused on the basis of a disclosure statement allegedly suffered by co-



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accused Charanjit Singh who stated that the petitioners were accompanying him at the time of the alleged occurrence. Learned counsel has submitted that even in the alleged disclosure statement there is no specific attribution qua the petitioners except that they along with the co-accused had assaulted the complainant. It has been submitted that as per the MLR of injured Sahibjit Singh, he sustained four injuries on his person out of which three injuries were opined to be mere abrasions while the fourth injury was a lacerated wound measuring 3x1 cm, with a blunt weapon on the head, and that too had not been attributed to the petitioners but to co-accused Binni. It has been further submitted by the learned counsel for the petitioner that in fact on the fateful day, it was the complainant party which had initiated the occurrence in question; petitioner No.1 was inflicted grievous injuries as a result of which he sustained fractures on his person in which regard he was medico legally examined soon after the occurrence in question. It has also been brought to the notice of this Court that identically placed co-accused has since been extended the concession of bail by this Court vide order dated 13.08.2024.

4. Per contra, learned State counsel assisted by learned counsel for the complainant have opposed the prayer and submissions made by the counsel opposite. It has been submitted that no doubt the petitioners were not named in the FIR in question, however, they accompanied the co-accused and inflicted injuries on the person of injured Sahibjit Singh, although three of the injuries sustained by injured Sahibjit Singh were admittedly found to be simple in nature. On



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a pointed query put to the learned State counsel, he, on instructions from ASI Harbans Singh, has not disputed that petitioner No.1 also sustained injuries in the occurrence in question as a result of which he sustained fractures on his person. Learned State counsel has on instructions also not disputed that the investigation in the present case is complete as also challan stands presented. On a pointed query, learned State counsel on instructions has not disputed that the petitioners are not involved in any other criminal case.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. Before proceeding further, it would be relevant to reproduce the contents of the FIR, which are as under:-

“Statement of Mandeep Singh Son of Gural Singh Resident of Village Jhamat District Ludhiana aged 37 years Mobile No. 7814055380 has stated that I am the resident of the above said address and I am office incharge of MLA Jeevan Singh Sangowal. Today, dated 09.05.2024, there was ceremony program of son of the MLA sahib's at his residence. At around 12:00 AM on 10.05.2024, Sahibjit Singh @sabi, a resident of village Jhamat and Block President of our party, left the function and went outside. When I also went outside, I saw Sahibjit Singh @ sari surrounded by Charanjit Singh Balara and his son along with 10 unknown persons armed with baseballs and sticks. Charanjit Singh Balara removed Sabi's turban, Binny Balara hit Sahibjit Singh with intention to kill him on the head with a sharp weapon. The other individuals with sticks and baseballs also started beating Sahibjit Singh. When I intervened, requesting them not to disrupt the wedding celebration of MLA Sahib's son, but they turned on me and removed my turban as well. When I shouted for help "Mara dita-Maar data", they threaten us and fled with their weapons from the spot. Alongwith my colleagues, including Chetan Sharma, we took Sahibjit Singh to Pancham Hospital, he where was referred to DMC hospital after receiving basic medical attention. Sahibjit Singha Sabi, is currently admitted to DMC hospital in a conscious state, receiving treatment. I

request you that take legal action against Charanjit Singh, his son Binny Bulbar and the 10 unknown persons involved. Statement written and heard it's correct. Sd/ Mandeep Singh 7814055380 verification SD/ Satwinder Singh SI Chownki Mardo, PS Sadar Ludhiana dated 10/05/2024 Police Action. Today, I sub-inspector was present at Chownki received information that Sahibjit Singh @ Sabi, was admitted to DMC Hospital in critical condition due to beatings. I, along with ASI Harbans Singh and PHG Shamlal, reached DMC Hospital emergency ward, where we found Sahibjit Singh bedridden. Dr. Sahib informed us that he is unfit to give a statement. However, his friend Mandeep Singh was present at the bedside and wrote a statement behalf, which he signed in English.”

7. In the facts and circumstances as enumerated hereinabove, especially when there is no specific attribution qua the petitioners of having inflicted any grievous injuries on the person of injured Sahibjit Singh, this Court deems it fit to extend the concession of bail to the petitioners.

8. Accordingly, the instant petition is allowed. The petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

20.08.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No