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

Sr. No.323

**CRM-M-48807-2024 (O&M)  
Date of decision : 16.12.2024**

Suraj Singh and another

..... Petitioners

**VERSUS**

State of Punjab

..... Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. J.K. Singla, Advocate, for the petitioners.

Mr. Kamalpreet Singh Bawa, AAG, Punjab.

Ms. Suman Rana, Advocate for  
Ms. Kashish Garg, Advocate, for the complainant.

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**KIRTI SINGH, J. (Oral)**

The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioners in case FIR No.96 dated 30.07.2024 under Sections 109, 3(5) of BNS, 2023 registered at Police Station Boha, District Mansa.

2. The translated version of the FIR is reproduced below:-

*“Copy of statement, statement of Buta Singh son of Jarnail Singh, resident of Sati Ke, aged about 24 years, M.No.90565-03318 stated that I am resident of above-mentioned address and doing job in Indian Army. I came to village on leave from 2 May. We constructed shop in our house towards road side and the same was given on rent to Gurpreet Singh Son of Ajaib Singh, resident of Kulana from last 10-12 years and who is working as Hair Dresser. On 28.07.2024 in evening, Kuldeep Singh Son of Bhopa Singh, Suraj Singh Son of Kala Singh and Kuku Singh Son of Kalu, resident of Sati Ke fighting with Gurpreet Singh due to some reason and to whom, I stopped from fighting and thereafter, we all gone to their houses. On 29.07.2024 at about 8 PM in night, I was present in my house then noise was going on loudly in street outside house and bulb/light fixed on main gate of our house was on and when I seen after going outside then Kuldeep Singh Son of Bhopa Singh armed with Kappa and Suraj Singh Son of Kala*

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*Singh armed with Axe and Kuku Singh Son of Kalu Singh who was sitting on Yamaha Motorcycle, standing and shouting and when I stopped them from raising noise then the above said Kuldeep Singh told me that our dispute was arose with Gurpreet Singh on 28.07.2024 and video of the same was recorded in Cameras fixed outside your house and you have to delete it then I told them that you will come tomorrow morning and I will delete video after calling and discussing with Gurpreet Singh then in the meantime, Kuldeep Singh and Suraj Singh got annoyed/angry and told me that we know how to delete the video and we will do it ourselves and when I after hearing their threatening tried to turn towards my house then Kuldeep Singh gave dasti Kappa blow with intention to kill on my head and the same was hit directly on my head and I fell down and made noise then in the meantime, after hearing noise other members of our family has come then all three persons run away along with their weapons on their Yamaha Motorcycle. Thereafter, Major Singh Son of Ghola Singh, resident of Sati Ke and my family members after arranging vehicle got admitted me for treatment at SDH Budhlada but referred me to Government Hospital, Mansa due to severe injury on my head and referred to Higher Centre from Government Hospital, Mansa then my family members got admitted me in V.K. NEUROCARE AND TRAUMA RESEARCH HOSPITAL, HISAR and where my treatment is going on. Reason for enmity is that we given shop on rent to Gurpreet Singh and Kuldeep Singh etc. was fighting with Gurpreet Singh on 28.07.2024 and I stopped them from fighting with Gurpreet Singh and they want to delete the video forcefully recorded on 28.07.2024 in Cameras of our house. Statement got recorded with you, heard, correct. Legal action be taken against Kuldeep Singh, Suraj Singh and Kuku Singh. Sd/- Buta Singh above said verified by Ranjit Singh Son of Sarabjit Singh, resident of Bugran, District Sangrur, M.No.79730-41239. Sd/- Ranjit Singh above said. Attested by Hardev Singh ASI, Police Station Boha, Dated 30.07.2024. Police proceedings:- Today 30.07.2024 one Medical Ruqa has been received from V.K. NEUROCARE AND TRAUMA RESEARCH HOSPITAL, HISAR that Buta Singh Son of Jarnail Singh, resident of Village Sati Ke admitted in Hospital due to receiving injuries in fight. Action be taken by sending I.O. Upon this, I, ASI along with SC Tarsem Singh 1241, SC Baljit Singh 62 and PHG Tarsem Singh 21832 for recording the statement reached at V.K. NEUROCARE AND TRAUMA RESEARCH HOSPITAL, HISAR and obtained written consent from Doctor Sahib and Doctor Sahib written that fit for recording the statement. Upon this, reached near bed of Buta Singh and recorded his statement whatever has been recorded by him, the same has been written as it as and read over to him and who after admitting it correct*

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*put his signatures in English below his statement and the verification of same has been done by his Brother-in-Law Ranjit Singh and statement has been attested by me/ASI. MLR No.MLR/KS/BDH/139/2024 of Buta Singh was received and in which Doctor Sahib has mentioned one injury caused to Buta Singh which is sharp in nature and kept for ADVISE NCCT HEAD AND SURGERY OPINION. From statement of Buta Singh and above said MLR offence under Section 109, 3(5) BNS against Kuldeep Singh, Suraj Singh and Kuku Singh, resident of Sati Ke has been found. Therefore, statement for registration of case forwarded to Police Station through SC Baljit Singh 62/Mansa. Case number be intimated after registration of case. Special reports be issued. PCR Mansa be informed. Further action to be carried out according to medical reports and opinion. I, ASI along with colleagues present on the spot for investigation. Sd/- Hardev Singh, ASI, Police Station Boha dated 30.07.2024 in the area of V.K. Hospital, Hisar time about 3 PM. Upon receiving statement, the above said case number under the above said Sections against Kuldeep Singh Son of Bhopa Singh, Suraj Singh Son of Kala Singh and Kuku Singh Son of Kalu Singh, resident of Sati Ke has been registered and record has been completed. Original case file along with original statement sent through SCT Baljit Singh 62/Mansa before ASI Hardev Singh 297/Mansa on the spot. Copy of FIRs as special reports forwarded through PHG Gurmail Singh 21639 before Illaqa Magistrate Sahib and higher officers. PCR Mansa informed through W/M separately. Rapat No.48.”*

3. Learned counsel for the petitioners *inter alia* submits that the petitioners have been falsely implicated in this case. He submits that petitioner No.1-Suraj Singh has undergone an actual custody of 03 months and 21 days and petitioner No.2-Kuldeep Singh has undergone an actual custody of 04 months and are not involved in other criminal case. He also refers to Annexure P2 and submits that the matter has been compromised between the parties.

4. *Per contra*, learned State counsel has filed the status report in Court and the same is taken on record. He vehemently opposed the submissions made by the learned counsel for the petitioners. He states that

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the petitioners were actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, petitioner No.1-Suraj Singh has undergone an actual custody of 03 months and 21 days and petitioner No.2-Kuldeep Singh has undergone an actual custody of 04 months and are not involved in other criminal case. He on instructions submits that challan has been presented on 09.11.2024 and out of a total of 17 prosecution witnesses, none has been examined till date. He however, submits that in view of the serious allegations against the petitioners, they are not entitled to the concession of regular bail.

5. Learned counsel for the complainant also admits the factum of compromise between both the parties.

6. Heard the rival submissions made by learned counsel for the parties.

7. The veracity of the allegations leveled against the petitioners shall be established during the course of the trial. Petitioner No.1-Suraj Singh has undergone an actual custody of 03 months and 21 days and petitioner No.2-Kuldeep Singh has undergone an actual custody of 04 months and are not involved in other criminal case. Admittedly, challan has been presented on 09.11.2024 and none of the prosecution witness has been examined. The matter has been compromised between the parties and this factum has not been disputed by the learned counsel for the complainant. The conclusion of the trial will take a considerable time. Therefore, this Court is of the considered view that further incarceration of the petitioners

will not serve any purpose.

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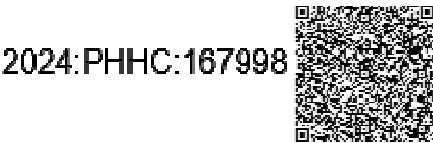


8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioners shall also abide by the following conditions:-

- (I) The petitioners will not tamper with the evidence during the trial.
- (II) The petitioners will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioners will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioners shall not commit an offence similar to the offence of which they are accused of, or for commission of which they are suspected.
- (V) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would



proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)  
JUDGE

16.12.2024

Ramandeep Singh

Whether speaking / reasoned  
Whether Reportable

Yes/No  
Yes/No