



CRM-M-55892-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-55892-2024

Date of decision : 14.11.2024

Sukhchain Singh alias Chaini

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Gautam Kumar, Advocate
for the petitioner.

Mr.P.S. Bhandari, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is the third petition under Section 483 of the BNSS for grant of regular bail to the petitioner in FIR no.124 dated 24.10.2022 registered under Sections 395, 398, 452, 506, 170 IPC and Section 25 of the Arms Act, 1959 at Police Station Bareta, District Mansa.

2. Learned counsel for the petitioner has submitted that the petitioner has been in custody since 23.11.2022 and the investigation is complete and the challan has already been presented and there are 17 witnesses, out of which, none have been examined and thus, the trial is likely to take time. It is further submitted that the last bail application of the petitioner was dismissed as withdrawn at that stage on 04.04.2024 and even thereafter, the trial has not made any progress and even no witness has been

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examined and thus, any further incarceration would be violative of the right of the petitioner enshrined under Article 21 of the Constitution of India. It is further submitted that the petitioner was not named in the FIR which was registered on 24.10.2022 on the statement of Shiv Kumar and it is only in the supplementary statement of Shiv Kumar recorded on 21.11.2022, the petitioner has been nominated as one of the accused. It is submitted that from the said supplementary statement, there is no material to show as to how he came to know that the present petitioner was involved in the present case.

3. Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the said Shiv Kumar in the supplementary statement dated 21.11.2022 has stated that he came to know the name of the accused persons from his son and has further submitted that the recovery of one country made pistol and three live cartridges has been effected from the present petitioner.

4. Learned counsel for the petitioner, in rebuttal, has submitted that there is no basis on which the son of the complainant has learned that the present petitioner is one of the person who has been involved in the incident.

5. Keeping in view the above said facts and circumstances, moreso, the present petitioner has been in custody since 23.11.2022 and out of 17 witnesses, none have been examined and thus, the trial is likely to take time and also the fact that the petitioner has not been named in the FIR which was recorded on the statement of Shiv Kumar on 24.10.2022 and has



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been named in the supplementary statement of said Shiv Kumar which was recorded after a period of more than 25 days from the registration of the FIR i.e., 21.11.2022, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

6. However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

7. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

November 14, 2024.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No