



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

220

CRM-M-2668-2025

Date of decision: 30.07.2025

Sukhwinder @ Sukhwinder Singh @ Sukha

....Petitioner

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.P.S. Rehan, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023 is for grant of regular bail to the petitioner in cross-version case G.D. No.20 dated 25.11.2023, under Sections 323, 324, 452, 506 and 34 IPC (Section 326 IPC added subsequently) registered in FIR No.269 dated 08.11.2023 under Sections 307, 323, 324, 148 and 149 IPC at Police Station Model Town, District Hoshiarpur.

2. As per the prosecution case, the complainant Babli stated that although a prior dispute between her and her nephew Sunny Kumar with Sukhwinder Singh @ Sukha (petitioner herein) and Gurdeep Singh @ Gagan had been resolved through a compromise, however, the accused continued to harbor a grudge. On 04.11.2023, the accused, along with an unidentified persons, allegedly threw bricks at her house, causing injury to her. On 05.11.2023, they again entered her house



armed with deadly weapons, accompanied by Narinder Kaur who allegedly incited the assault. Gulshan Kumar sustained a Khanda blow on his wrist, Kuldeep Singh suffered a head injury, Paramjit Singh was stabbed in the stomach and Sunny Kumar sustained injuries upon his fingers and elbow while intervening. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated. It is a case of version and cross-version. The complainant party has inflicted a head injury for which the offence under Section 307 IPC is invoked against them. There is a delay of 20 days in registration of cross-version registered vide G.D. No.20 (supra), which creates a serious dent on the case set up by the prosecution. The petitioner has only acted in his self-defence and the complainant party is the aggressor party.

4. Learned counsel for the petitioner further submits that the petitioner has suffered the incarceration of 08 months and 06 days. There are total 19 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner has been specifically named in the cross-version and he has inflicted one injury on the wrist of Gulshan @ Vicky and other on



the head of Kuldeep Singh. Further at this stage, it cannot be ascertained with certainty which party was the aggressor party, however, he could not controvert the fact that the petitioner is not involved in any other case.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 08 months and 06 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 19 prosecution witnesses, no PW has been examined so far.

7. A two Judge Bench of Hon'ble Supreme Court in ***“Satender Kumar Antil vs. CBI”, (2022) 10 SCC 51***, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never



be an impression that it is a police State as both are conceptually opposite to each other.”

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

9. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Sukhwinder @ Sukhwinder Singh @ Sukha is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

30.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No