



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

CRM-M-7925-2025

Date of Decision: 20.02.2025

Sukhchain Singh @ Chaina

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. S.S Maini, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No. 394, dated 30.10.2024, registered under Sections 109, 115(2), 331(7), 126(2), 121(1), 122 and 303 (2) of B.N.S., 2023, registered at Police Station City Faridkot, District Faridkot (Annexure P-1).
2. The F.I.R in the present case has been registered on the basis of the statement made by Dharinder Yadav son of Suraj Narain Yadav and the same has been reproduced below:-

“Statement of Dharinder Yadav S/o Suraj Narain Yadav S/o Jagan Yadav, R/o Tilkora, P.S. Murliganj, District Madhopur, State Bihar, presently R/o New Grain Market, Faridkot, aged about 50 years, mobile No.98761-52998 stated that I am resident of above address and now from about 15 days at New Grain Market, Faridkot in the season of Paddy have come for labour work. Alongwith me other companions Sadanand Mehto s/o Panch Lal Mehto R/o Bhagwan Tola P.S. Murliganj, District

Madhopur, State Bihar, Arun Yadav S/o Jaglen Yadav R/o Tilakpur P.S. Kalesar Dham, District Dabanga, State Bihar, Kundan Kumar s/o Suresh Rishi Dev R/o Bhagwan Tola. P.S. Murliganj, District Madhopur, State Bihar, Vikas Kumar S/o Surinder Yadav R/o Tilkora P.S. Murliganj, State Bihar, Hari Om Kumar S/o Varinder Kumar R/o Tilkora P.S. Murliganj, District Madhopur, State Bihar, Satish Kumar S/o Subhash Yadav R/o Rakia P.S. Murliganj. District Madhopur, State Bihar, Suraj Kumar s/o Mani Chand Sharma R/o Babalgama, P.S. Murliganj, District Madhopur, State Bihar have also come with me. All of us are working at shop No.27 and others for cleaning the Paddy. That after getting from our work, we have made our stay arrange at the roof top of the above shop. That on dated 29.10.2024 at about 11:30 PM that lights were on in the Grain Market and after preparing our food, we were taking our night meal. Then meanwhile through the stairs of the roof, Sahil Kalu s/o Iqbal Singh Happy Postman R/o Sanjay Nagar, Gali No.2-1/2 who was carrying iron pipe, who was accompanied with Sonu Chaudhary s/o Sira R/o Bholuwala Road, Faridkot, Ladi s/o Dula R/o Bholuwala Road, Faridkot, Akash s/o Doba Bholuwala Road, Faridkot, Chena R/o Bholuwala Road, Faridkot, Rajwinder Singh @ Raji S/o Jagjit Singh R/o Ferozepur Road, Faridkot near closed petrol pump wali gali, Faridkot, Karnail Singh @ Surjit s/o Kabal Singh R/o Dashmesh Nagar Gali No.04, Faridkot, Gurpreet Singh Gopi s/o Gursewak Singh R/o Nanaksar Basti, Faridkot, Vikram Kumar Vicky s/o Kishan Lal R/o Hargobind Nagar, Backside Chand Palace, Faridkot, Jaspreet Singh Jassi R/o Bholuwala Road, Faridkot and some unknown persons who were carrying iron rods, sticks and all of them came on the roof-top, who surrounded us on the roof-top of the shop. They started abusing us and said that you are stopping us to steal-pick paddy from here then while I was looking upon them, Sahil Kalu s/o Iqbal Singh @ Happy Postman who was carrying iron-pipe in his hand, with the intention to kill, attacked in the head of Sadanand Mehto s/o Panch Lal Mehto with iron pipe due to

which Sadanand fell down. Then while Sadanand was lying on the roof top, the above injured him and Rajwinder Singh @ Raji attacked with stick on my head and all of them beat my companions and injured us and in order to save our lives, we made noise, then all of them ran away from there with their weapons while abusing us and while going, they also took along mobile phone of Satish Kumar s/o Subhash Yadav. Then Angrej Singh Chaudhary who is working on shop No.26 arranged vehicle and took all of us to Medical Hospital Faridkot and admitted there. Where due to serious injury on the head of Sadanand Mehto, the doctor referred him to P.G.I. Chandigarh for treatment and after giving us First Aid, we came back there. The reason of enmity is that few days ago, some people attempted to steal-pick Paddy from there and we stopped them. Due to this enmity, they injured all of us. Legal action may kindly be taken against them. Statement has been recorded to you, heard and found to be correct. LTI/-Dharinder Yadav”.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been falsely involved in the present case without any admissible evidence against him. He further contends that as per the case set up by the prosecution, the petitioner had caused injuries with sticks on both hands of Satish Kumar, injured and the injuries suffered by Satish Kumar have been declared to be simple in nature. Learned counsel further contends that one injury on the person of Sadanand has been declared to be grievous in nature, which is attributed to the Sahil @ Kalu, co-accused, non-applicant. Learned counsel for the petitioner further contends that the petitioner is ready to join the investigation in the present case.

4. A status report by way of an affidavit of Deputy Superintendent of Police, Sub Division Faridkot, District Faridkot has been filed on behalf of respondent-State and the same is taken on record.

5. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and the petitioner does not deserve the concession of anticipatory bail by this Court.

6. I have heard the learned counsel for the parties and perused the record carefully.

7. In the present case, no specific allegations have been levelled against the petitioner in the F.I.R and has been arrayed as an accused subsequently. Even, he is alleged to have caused simple injuries to Satish Kumar with a stick and the prosecution is yet to lead evidence with regard to his involvement in the present crime, at an appropriate stage, during the course of trial. At this stage, the custodial interrogation of the petitioner may not be required.

8. Thus, without commenting any further, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Sections 482 (2) of B.N.S.S. It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and she shall abide by the conditions mentioned in Section 482 (2) of B.N.S.S.

(N.S.SHEKHAWAT)
JUDGE

20.02.2025
hitesh

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