

2025:PHHC:041230



134

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

**CRM-M-14256-2025
DECIDED ON: 21.03.2025**

SUKHWINDER SINGH ALIAS SHANTI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Karnail Singh, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in case FIR No.16 dated 25.02.2023, under Sections 323, 506, 34, 307 of IPC of 1860 and Section 302 of IPC added later on, registered at Police Station Balianwali, District Bathinda.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

"At this time, it is entered that I, S.I., alongwith fellow officials, after patrolling & checking of suspected persons, have come present at Police Station. During the course of checking & patrolling, one Lovpreet Singh @ Labhi son of Maghar Singh,

resident of village Kotra Kaurian Wala, got recorded his statement with me, S.I., contents of which are as under, "Statement of Lovepreet Singh @ Labhi son of Sh. Maghar Singh son of Natha Singh, resident of village Kotra Kaurian Wala, aged about 23 years, Mobile No.62837 06147. Stated that I am residing at above noted address and is serving in a private company at Thermal Plant, Lehra Mohabbat. I had come to Rampura Mandi on 17.2.2023 for some personal purpose. After finishing my purpose, I alongwith my friend Happy Singh son of Ram Singh, resident of Balianwali were coming back to village Kotra Kaurian Wala on his Motorcycle make C1 200 along Canal. I was riding the motorcycle, welwere having gossip on the way. As we arrived near our village n friend Happy Singh, riding on pillion seat, said that the water level in canal on much higher side today. We found that Gurvinder Singh son of Nirmal Singh, resident of village Kotra Kaurian Wala and daughters of their family were present near culvert Pul) Said Gurvinder Singh chased us on his Scooty, and on coming parallel, he said just come ahead, we will tell you about water level. We took it in routine and arrived at village Kotra Kaurian Wala. As we arrived near Suvidha Centre/Anganwari of village, we found that Harpal Singh @ Pal Fauji, empty handed, Gurvinder Singh son of Nirmal Singh, armed with spade, Suntty Singh son of Nirmal Singh, armed with spade & Manjinder Singh @ Honey son of Nirmal Singh, armed with danda, resident of village Kotra Kaurian Wala were present, who, on seeing us, started hurling abuses. I & my friend stopped our motorcycle and asked them reason for hurling abuses, on which, all the assailants caught my friend Happy Singh and started giving him beating with their respective weapons. The conflict caused shouts at the spot. The matter also reported to our house, on which, my mother Karamjit Kaur, my maasi Paramjit Kaur widow of Major Singh, my cousin (taya's son) Sandeep Singh son of Major Singh, who is running a Barber shop in village along with other inhabitants of village

arrived at the spot and asked us to leave for home. I also received grievous injuries during said conflict. We were about to leave for home, and my friend Happy Singh also left from the spot on: his Motorcycle. While leaving the spot, my cousin brother Sandeep Singh left little behind, when Harpal Singh Pal Fauji raised lalkara by saying that said guy along belongs to their family, he may be caught. On this, Sunty Singh gave blow of his spade on Sandeep Singh, which reverse blow rested in his head, resulting which, he became unconscious and collapsed at the spot. While he was laying on ground, Gurvinder Singh & Manjinder Singh @ Honey gave him beatings with their weapons. We raised alarm of 'maar ta...maar ta', on which, said Harpal Singh @ Pal Fauji and his grandsons Gurvinder Singh, Sunty Singh & Manjinder Singh with their respective weapons fled away from the spot while hurling abuses & giving threats. Reason of grudge is that said Gurvinder Singh etc. were having misunderstanding that we passed comments on their daughters while passing on motorcycle, due to which reason, the said assailant, in connivance with each other, gave beatings to my friend Happy Singh and then, gave spade blow on head of my cousin brother Sandeep Singh, leaving him seriously injured. I & my family members arranged conveyance and brought Sandeep Singh to Civil Hospital, Rampura, where the Doctor further referred him to Civil Hospital, Bathinda, from where he is further referred to AIIMS, Bathinda, where he is under treatment, however he is unable to speak anything and is running unconscious. Today, on 19.2.2023, I left my relatives with my cousin brother and was coming to Police Station for reporting the matter, when you are met on way. The said incident took place: 17.2.2023 at 5.00/5.30 PM. You have recorded my statement; as dictated by me, heard, it is correct. Due legal action may be taken against all the said accused. ”

3. **Contention**

On behalf of the petitioner

The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case based solely on the statement made by the complainant, Lovepreet Singh. He further submits that the petitioner is only alleged to have caused one injury with a Kasia, and that too from the reverse side. The counsel draws the attention of this Court to the orders dated 17.11.2023 & 21.05.2024 (Annexures P-5 & P-6 respectively) passed in CRM-M-34976-2023 & CRM-M-24490-2024 respectively wherein the co-accused have already been granted bail. The counsel also asserts that nothing has been recovered from the petitioner's possession, and that the petitioner has been in custody since 06.09.2023.

On behalf of the State

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He strongly opposes the prayer made in the present petition, asserting that the allegations against the petitioner are serious of in nature i.e., committing murder of deceased Sandeep Singh. The State counsel further asserts that the accused persons formed an unlawful assembly and inflicted severe injuries on the deceased, which ultimately led to his death.

4. **Analysis & Conclusion**

In everyday terms, the principle of law dictates that bail is the general rule, while jail is the exception. However, this Court acknowledges that the power to grant or deny bail is extraordinary and must be exercised with caution. It is well-established that when considering a bail application (whether pre-arrest or regular bail), the Court must form a prima facie opinion

as to whether reasonable grounds exist to support the accusation, or if the accusation is frivolous and baseless possibly made with the intention of harming or humiliating the individual, or falsely implicating them in the crime. This evaluation must be conducted in the light of self-imposed restrictions and the broader legal parameters outlined.

This Court is mindful that, according to the legal mandate rendered by Hon'ble Supreme Court in Criminal Appeal No. 3840 of 2023, titled "*Saumya Churasia versus Directorate of Enforcement, decided on 14.12.2023*", when considering a bail application, the Court is not obligated to meticulously examine the evidence gathered by the Investigating Agency. However, the Court must consider several factors, including the nature of the accusation, the type of evidence collected in support, the severity of the punishment for the alleged offences, the character of the accused, the unique circumstances surrounding the accused, the likelihood of securing the accused's presence during trial, the possibility of witness tampering, and the broader interests of the public or State. In the light of these factors, when assessing a bail application, the Court is required to form a prima facie opinion based on these broad guidelines, without delving into the merits of the evidence, as doing so could potentially prejudice the rights of both the accused and the prosecution.

The case involves the death of Sandeep Singh on account of injury given by the petitioner on the head of the deceased with a fatal blow. The petitioner has been connected to this case on the basis of statement suffered by the complainant. Hence, Section 302 of IPC, 1860 is made out against the petitioner. Keeping in view of the role and attribution to the present petitioner, he does not deserve the concession of regular bail at this stage.

No doubt the petitioner is in custody since 06.03.2023, but there is no delay in the investigation or trial, as after framing of charges on 25.07.2023, out of 15 prosecution witnesses, 7 prosecution witnesses, have been examined. This Court is sanguine of the fact that if the petitioner is enlarged on bail, there is every chance that he may hamper the trial and create a fear psychosis in the mind of other prosecution witnesses, who are yet to be examined and may give an impression in the masses that criminals may carry out such a heinous crime with impunity.

The Court while considering the bail petitions is conscious that personal liberty has to be weighed and balanced with societal/public interest at large, and ensure that the course of justice is not thwarted by the powerful and influential accused persons.

In view of the discussions made hereinabove, this Court does not deem it a fit case to enlarge the petitioner on regular bail at this stage. Hence, the present petition stands dismissed.

21.03.2025
Sham

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>