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

CRM-M-11684-2025

Date of Decision: 07.03.2025

Sukhwinder Singh

...Petitioner

VS.

State of Punjab

...Respondent

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

Present : Mr. Piyush Sharma, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.235 dated 15.11.2024 registered under Sections 109, 126(2), 191(3), 190 of BNS, at Police Station Mamdot, District Ferozepur.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case due to old enmity between the parties as father of the petitioner and husband of Shanto Bai, namely, Mohan Singh was murdered by the opposite party. One FIR No.24 dated 02.03.2018 under Section 302 IPC, Police Station Mamdot was registered against the present complainant side and vide judgment and order dated 02.11.2023, the accused on the present complainant side were convicted by the Court of Sessions Judge, Ferozepur. Learned counsel further contends that in the present case, the offence under Section 109 of BNS has been wrongly added as no injury has



been declared to be dangerous to life. Moreover, it is a case of version and a cross version in the shape of DDR No.35 dated 15.11.2024 under Sections 333, 351(2), 115(2), 118(1), 191(3) of BNS has been registered against the present complainant side, on the basis of the statement made by Shanto Bai. Learned counsel further contends that even this time, the complainant side had criminally trespassed, while they were duly armed, in the house of Shanto Bai and the injuries were caused by the accused in self-defence. He next contends that as per the case of the prosecution, the petitioner had fired on Parveen Kaur and from her MLR (Annexure P-3), it is evident that the injuries suffered by the injured were simple in nature. Moreover, the petitioner was arrested on 15.11.2024 and is in custody since then. The injured-Parveen Kaur has already been discharged from the hospital and is hale and hearty. The final report under Section 173 Cr.P.C. has been presented before the competent Court and the trial is at the nascent stage.

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

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

5. It is not in dispute that it is a case of version and cross version and both the parties are yet to lead evidence before the trial Court with regard to question of aggressor in the present case. The petitioner is stated to be in custody for the last about 03 months and the challan has been presented against



him. Even the injuries, which are attributed to the petitioner, have already been declared to be simple in nature. The trial is yet to formally commence against the petitioner and further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

07.03.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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