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

CRM-M-17539-2025 (O&M)

Date of decision: August 07, 2025

Sagar Suniara

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Geeteshwar Saini, Advocate and
Ms. Preety Arya, Advocate for the petitioner.

Mr. Jasjit Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.0041 dated 16.04.2023, registered for the offences punishable under Sections 302, 307, 324, 323, 458, 148, 149 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Goraya, District Jalandhar Rural.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

“Statement of Charandeep Singh @ Chand S/o Narinder Singh r/o Village Dhandwarh, Police Station Goraya District Jalandhar aged about 27 years Mobile No. 95013-93858 stated that I am resident of the above said address and doing the agriculture work. I have one brother who is younger to me and whose name is Balraj Singh @ Baaju. On 15.04.2023, time would be about 5:00 PM, that my friend Hardeep Singh @ Deepa S/o Joginder Singh r/o Sarhal Mundi Police Station Goraya has came our home to meet us. We all family members and my friend Hardeep Singh @ Deepa after having dinner slept in one room at about 9:30PM and main door of the room was not locked. The above said Hardeep @ Deepa slept on double bed and my mother Baljit Kaur, my

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father and my younger brother slept on the floor after switch off lights. Time would be around 1:00/1:30PM that suddenly the light of the room switched on and I saw that Gurpreet Singh @ Gopi S/o Late Sh. Balbir Singh r/o Bharo Majra Raanu Police Station Bahiram who was holding a Gandassa, Baljeet Singh @ Baljeeta S/o Balwinder Singh r/o Mandhali Police Station Behram who was holding sugar cane cutter (Gandassa) in his right hand, Neeraj @ Ajay S/o Charan Dass r/o Mehli Police Station Behram was holding sugar cane cutter (Gandassa) in his right hand, Akash S/o Sh. Sodhi Ram r/o Garhi Ajit Singh Police Station Aurh who was holding Gandaasi in his right hand, Ravi Kumar S/o Ram Ji r/o Kultham P.S. Behram armed with Baseball, Jaspal Singh @ Jassi S/o Harbhajan Singh r/o Mai Dutta, Police Station Aurh hold Dattar in his hand, Ajay S/o Unknown r/o Malla Bediya Police Station Aurh armed with Dattar in his right hand, Sagar S/o Unknown r/o Sodhian Police Station Aurh who was holding Dattar in his right hand, then Gurpreet Singh® Gopi raised a lalkara and said that we will go after killing Chand and his family members, then they given blow of ganadasa on my head with the intention to kill me while I was lying on the earth, I suddenly turned my face to right side and gandassa hit on my upper side of my face. Then Baljeet Singh @ Baljeeta given blow of gandassa on me which hit upon my under arms of left hand then Neeraj @Ajay given a blow of gandassa which hit on my chest then I fell on the earth from the bed, Akash again given his gandasa blow upon me whit hit on my left arm then Gurpreet Singh @ Gopi given blow of gandasa upon me which hit on my right hand, then Jaspal Singh given a blow of datar upon me which hit on my left arm then in order to rescue me, my father Narinder Singh, brother Balraj Singh and friend Hardeep Singh @ Deepa came forward then the above said accused started to given blow of their weapons upon them then Gurpreet Singh @ Gopi, Balraj Singh @ Baljeeta, Neeraj @ Ajay given blow of their weapons on my father Sh. Narinder Singh multiple times and my father also got serious injuries, my brother Balraj Singh and my friend Hardeep Singh @Deepa also suffered serious injuries and after this we all raised hue and cry of "maar dita-maar dita". After listening our hue and cry my uncle's son Manvir Singh, my aunt Sukhvinder Kaur they came to the spot and the above said accused persons ran away from with spot with their respective weapons. My mother and my uncle's son Manvir Singh through phone tell the above said incident to the respectable persons of the village namely Kulwinder Singh S/o Avtar Singh, Gurdeep Singh @ Deepa S/o Late Balwinder Singh, Dalbir Singh @ Lala S/ Sodhi Singh and they all came to the spot and after seeing our injuries and condition arrange the vehicle and admitted us at Civil Hospital Bada Pind where doctor after treating our wounds and issue our MLR reports and due to grievous injury they referred us to Civil Hospital Jalandhar. Where under treatment my father Narinder Singh due to grievous nature injuries had died at around 11:15 am. Me and my friend Hardeep Singh @ Deepa r/o Sarhal Mundi still under treatment at Civil Hospital Jalandhar and my brother Balraj Singh due to serious injuries my relatives take him to the private hospital. The grudge of dispute is that sometimes ago Gurpreet Singh @ Gopi due to money a dispute arised between us and due to this grudge they all inconnivance with each other at night after jumping over the wall and entered into the room and given injuries to me, my brother Balraj, my father Narinder Singh and friend Hardeep Singh @ Deepa. Legal Action

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be taken against the above said accused persons. Statement has been written by you. Statement read, heard and correct.”

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that the petitioner is in custody since 19.11.2024. Learned counsel has argued that star prosecution witness, namely, PW 2 – Charandeep Singh alias Chand (FIR/complainant and the eye witness) has not supported the case of the prosecution, and has also not identified the accused who were facing the trial at that point of time. Learned counsel has further argued that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 06.08.2025 in Court, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The challan (final report) *qua* FIR in question was, initially, filed on 13.07.2023. Thereafter, the present petitioner was arrested on 19.11.2024 and after investigation, challan *qua* the petitioner was presented on 10.02.2025. Total 40 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contentions raised at Bar give; including as to whether the petitioner has been falsely implicated

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into the FIR in question and weightage required to be attached to the testimony of PW 2 – Charandeep Singh alias Chand, recorded on 23.08.2024; shall be gone into during course of the trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM /Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

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8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/ Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 07, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No