

2025:PHHC:091374

CRM-M-20164-2025 (O & M)



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(215)

CRM-M-20164-2025 (O & M)

Date of decision: 23.07.2025

Kismat Singh

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ramanjit Kaur Basota, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 483 BNSS, 2023 is for the grant of the regular bail to the petitioner in FIR No.6 dated 07.01.2025 under Sections 61(2), 109 (now deleted), 115(2), 126(2), 190, 191(3), 304, 351(2) of BNS, 2023 and Sections 117(2), 238 and 317(2) of BNS, 2023 (added later on) registered at Police Station City Sunam, District Sangrur.

2. The present FIR came to be registered at the instance of Bachittar Singh and reads as under:-

Statement of Bachittar Singh son Harnek Singh alias Nek resident of Village Dhandoli Khurd, Police Station Dirba, District Sangrur aged about 38 years, M. No.70098-16069. Stated that I am resident of above mentioned address. I am agriculturist. On 15.12.2024 at about 02.30 PM, I had gone to City Sunam for some of my personal work. Then, I received a phone call from M.No.77400-10905, who said me that your summons have arrived. Come and receive your summons from Sunam. I waited sufficiently for the said person at Sunam. When



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I did not meet any person, then I was returning back to my village at about 05.00 PM on my Splendor motorcycle NO. PB-13-AK-4823. Meanwhile, 4-5 unknown persons on 02 motorcycles came from City Sunam side and chased me, who were carrying iron rods in their hands, who encircled me near Khadial Road near mini-Canal bridge Jagatpura and gave me a lot of beatings with rods. One out of the said persons was capturing a video and was saying that Jatinderpal Singh had instructed to kill him and obstacle on my way. The person capturing the video was asking that kill him, this video is to be sent by us to Jatinderpal Singh, Advocate. They gave beatings to me with an intention to kill me and snatched my Oppo Mobile Phone from me, in which, my SIM No.98718-23025 and 97814-04910 were functional. Meanwhile, several passersby gathered there. Upon seeing the gathering, the aforesaid persons fled away from the spot on their respective motorcycles along with their respective weapons. While going, the aforesaid persons were saying that today you have escaped, if you dare to enter into the fields of Jatinderpal Singh, then you will be killed. Thereafter, the passersby arranged a vehicle and got me admitted in the Civil Hospital, Sangrur for treatment. But the aforesaid persons had threatened me that if you disclosed this fact to anyone, then you will be killed, due to which, earlier I did not record my statement to you. I was discharged from Civil Hospital, Sangrur. Thereafter, I disclosed the whole incident to my family. My family encouraged me to get my correct statement bring forth the truth. Thereafter, the persons who gave beatings to me on 15.12.2024, I and my family kept on the inquiring about the same. From the inquiry, we learnt that the aforesaid Jatinderpal Singh got me beaten up from Kismat Singh Chaini son of Sarbag Singh resident of Bisharpura Khokhar, Gurwinder Singh, Gaggi Singh residents of Ramgarh



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Sandhuan, Manpreet Singh son of Gurcharan singh resident of Village Ghanaur Jattan and Satnam Singh resident of Dirba. The cause of enmity is that I have an ongoing land dispute with Jatinderpal Singh, Advocate, due to which, Jatinderpal Singh, Advocate got me beaten up. Today, I along with my wife Ranveer Kaur and other family members was coming to you. You met us at I.T.I. Chowk, Sunam. Statement got recorded to you in the presence of my wife Ranveer Kaur, which is read over, heard, which is correct. Take required legal action against the aforesaid persons Sd/-Bachittar Singh.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He is in custody since 08.01.2025. The challan was submitted on 05.03.2025 and the Trial has not progressed with as many as 19 prosecution witnesses cited in the list of witnesses, none of whom have been examined so far. He further contends that three co-accused, namely, Satnam, Gurvinder Singh @ Ludhar and Jatinderpal Singh have been granted the concession of bail. Therefore, the petitioner is entitled to the same concession.

4. The learned counsel for the State, on the other hand, contends that the nature of the allegations levelled against the petitioner did not entitle him to the concession as prayed for. He, however, concedes that the petitioner is in custody since 08.01.2025, that none of the 19 prosecution witnesses have been examined so far and that some of the co-accused have been granted the concession of bail.

5. I have heard the learned counsel for the parties.



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6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated during the course of the Trial. Admittedly, the petitioner is in custody since 08.01.2025 but none of the 19 prosecution witnesses have been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. Therefore, in this situation, the further incarceration of the petitioner is not required, moreso, when three co-accused have been granted the similar relief.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Kismat Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.25,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

10. The present petition stands disposed of.

July 23, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No