



CRM-M-33447 of 2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-33447 of 2025
Date of Decision: 01.09.2025

Sukhwant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

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

Mr. Satvir Singh Mander, AAG, Punjab.

Mr. Sachin Sharma, Advocate for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.53 dated 26.04.2025 registered under Sections 326(f), 326(g), 351(3) and 191(3) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Khui Khera, District Fazilka.

2. Brief facts of the present case are that as per the prosecution, on 26.04.2025, the petitioner along with other accused Joginder Singh reached the fields of the complainant, armed with weapons and bottle containing petrol, raised exhortions and burnt the wheat crop.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that the allegations against the present petitioner that he along with co-accused had set the crop on fire, are totally false. He further argued that while registering the FIR, report

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was sought from the Patwari regarding the khasra numbers of the land in which the wheat crop was set on fire and the Patwari had submitted his report dated 30.04.2025 and in the said report, there is specific reference of the khasra numbers of the land. It has also been contended that the land mentioned in the khasra numbers is co-ownership of complainant and the petitioner and both of them have joint possession over the land. As per the Girdawari (Annexure P-4), the wheat crop was sown by both the parties in jointly cultivated land. No motive has been suggested in the present case. He further submits that the petitioner has clean antecedents and he is first time offender. The petitioner is in custody since 28.04.2025 and recovery has already been effected from him. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Further, co-accused Joginder Singh, who was on similar footing with the petitioner, has already been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court passed in CRM-M-27950-2025, vide order dated 21.05.2025. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, filed the status report in the matter, which is taken on record. While referring to the status report, he has vehemently opposed the prayer for bail, stating that the offence committed by the petitioner is serious in nature. However, he has not controverted the fact that the petitioner is not involved in any other case.

6. Learned counsel for the complainant too has opposed the bail petition of the petitioner by stating that the petitioner had actively participated



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in the occurrence in question. The petitioner along with co-accused had set on fire 11 acres of the wheat crop of the complainant as a result of which number of trees were burnt.

7. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 04 months, and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

8. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

9. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

01.09.2025

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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