



276 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41461-2025

Date of Decision:06.08.2025

Joga Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Ms. Jasmine, Advocate for
Mr. Prateek Sodhi, Advocate
for the petitioner.

Mr. Ravneet Singh Joshi, 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 to him in case FIR No.101 dated 18.09.2024 registered under Sections 118(2), 118(1), 115(2), 3(5) of BNS (Section 238 of BNS added later on), at Police Station Bhindi Saidan, Amritsar.

2. The FIR in the present case was registered on the basis of the statement made by Gurpreet Singh son of Satpal Singh and the same has been reproduced below:-

“Statement of Gurpreet Singh son of Satpal Singh resident of Village Tanana Police Station Bhindi Saidan District Amritsar, aged about 22 years Mobile No.8872134166 stated that I am the resident of the said address and do labour work. We are three brothers and one sister. Out of which I and my second brother Sukhdev Singh son of Satpal Singh and sister Lakhwinder Kaur daughter of Satpal Singh are married and my youngest

brother Sunny Singh is un-married. We all live with our mother Paramjit Kaur wife of Satpal Singh. My father Satpal Singh has died 15 years ago. On dated 17-08-2024, the time would be around 9-00 PM that there was a lot of noise in the street outside our house. When I came out of my house in the street, I saw Jogga Singh son of Dalbir Singh armed with Datar, Buta Singh son of Dalbir Singh armed with baseball bat, residents of Village Tanana and Kala Singh son of Seeso Singh resident of Village Bhindi Saidan at present resident of Village Varian armed with Sword along with two unknown persons standing in the street and were abusing us. When I stopped them from abusing then said Buta Singh raised a lalkara and said "Catch hold him today, let him have fun for asking our father for money back every day", in the meantime said Jogga Singh gave a Datar blow which hit me on the head and at the same time the said Kala Singh gave me Sword blow which hit me on the forehead and Buta Singh gave a baseball bat blow which hit me on the left arm. I fell on the ground. On my lying down Buta Singh gave a baseball bat blow which hit me on the left thigh. I started shouting "Maar Ditta Maar Ditta", on listening the noise my younger brother Sukhdev Singh son of Satpal Singh resident of Village Tanana came forward to rescue me, then said Kala Singh gave a Sword blow which hit on the left side of the head of my brother Sukhdev Singh and at the same time Buta Singh gave baseball bat blow which hit on the left knee of my brother Sukhdev Singh. Then my brother Sukhdev Singh also fell on the ground. We started shouting "Maar Ditta Maar Ditta". On listening our noise Sukhpal Singh son of Shinda Singh resident of Village Vehra at present resident of Village Tanana came on the spot and other people living in the street started gathering. After seeing Sukhpal Singh and gathering of people then the said persons ran away from the spot along with their weapons. Then Sukhpal Singh arranged a vehicle and got me and my brother Sukhdev Singh admitted to the Civil Hospital Lopoke where Doctor

on dated 20- 08-2024 referred me to Guru Nanak Dev Hospital Amritsar where my continued treatment brother Sukhdev Singh was treated at and Civil Hospital Lopoke. In this regard until today the respectable persons of the village and relatives tried to affect a compromise between us, but it has not come to an end. The irony is that about 07 years ago there was marriage of the daughter of Dalbir Singh son of Atma Singh and we gave 25000/- Rupees as a help for the marriage of his daughter. Due to which we used ask for 25000/- Rupees from Dalbir Singh. But the said Dalbir Singh returned us 8000/- Rupees and was not returning the remaining 17000/- Rupees. That is why said persons got together and gave beating to me and my brother Sukhdev Singh. In this regard today I along with my younger brother Sukhdev Singh son of Satpal Singh resident of Village Tanana and Sukhpal Singh son of Shinda Singh resident of Village Vehra at present resident of Village Tanana are present at the Police Station to record the statement. Statements have been recorded to you, heard and are correct. Action be taken against the said persons and justice be provided to us.”

3. Learned counsel for the petitioner contends that the occurrence in the present case had taken place on 17.08.2024, but the FIR in the present case was registered on 18.09.2024, after an unexplained delay of over one month. In fact, the delay in lodging the FIR creates a serious doubt about the genuineness of the allegations levelled by the complainant. He further contends that the petitioner is a 20 years old young boy and has no criminal antecedents. The petitioner was arrested in the present case on 17.05.2025 and is in custody for the last about 03 months. Now after completion of investigation, challan has been presented against him and his further custody will not serve any purpose.

4. On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that

serious allegations have been levelled against the petitioner and he does not deserve the concession of bail by this Court. Learned State counsel further submits that in the present case, challan has already been presented before the Court, however, charge is yet to be framed by the trial Court. Moreover, the injured has already been discharged from the hospital.

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

6. In the present case, the petitioner is in custody for the last about 02 months and the investigation has already been concluded, which finally led to presentation of challan against the petitioner. Even there is no material on record to show that the petitioner may tamper with the evidence or may abscond from the process of law.

7. 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.

06.08.2025

hemlata

(N.S.SHEKHAWAT)
JUDGE

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