



237 (2 cases)

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

CRM-M No.40266 of 2025

Shahbaz Singh @ Sodhi

.....Petitioner

versus

State of Punjab

..... Respondent

CRM-M No.41656 of 2025

Gursharan Singh

..... Petitioner

versus

State of Punjab

..... Respondent

Date of decision: 09.09.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. R. S. Bains, Senior Advocate with
Mr. Inderpal Singh Deol, Advocate
for the petitioner in both the petitions.

Ms. Simran Gorla, Asstt. A.G., Punjab assisted by
ASI Anil Kumar.

Mr. Tarurag Gaur, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.

2. Both the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.103, dated 03.06.2025, under Sections 109, 118(1), 118(2), 115(2), 190, 191(3),



351(2) of BNS, registered at Police Station Dasuya, District Hoshiarpur, Punjab.

3. Succinctly the facts of the case are that the FIR in the present case was got registered on the statement of complainant, namely, Balwinder Singh. It was alleged that on 01.06.2025, the complainant and his brother, namely, Surjit Singh had gone to their fields for water at around 8:00 A.M. On reaching there, Sukhwinder Singh armed with Kirpan, Gurmukh Singh armed with Khanda, Sajjan Singh empty handed along with 6-7 unknown persons, who were armed with sticks and baseball bats arrived there. Sajjan Singh exhorted his accomplices to teach them a lesson and then, on his exhortion, Sukhwinder Singh, Gurmukh Singh and others started beating them with their respective weapons. The unknown persons also attacked with their respective weapons. Both the complainant and his brother were shifted to the Hospital. Thus, the request was made to take legal action against the culprits. However on the statement, the FIR for the offence under Section 109 BNS was registered. On registration of the FIR, the investigation commenced. However, during the investigation, the offence under Section 109 BNS has been deleted. During the investigation, the supplementary statement was recorded and thus, both the petitioners were also arrayed as an accused in the present case on 13.06.2025. Resultantly, both the petitioners were arrested on the same day, i.e. 13.06.2025. Both the petitioners approached the Court of learned Additional Sessions Judge, Hoshiarpur praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Hoshiarpur declined the bail



applications filed by both the petitioners vide order dated 17.07.2025. Hence being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of regular bail.

4. Learned senior counsel for the petitioners has vehemently contended that neither the petitioners are named in the FIR, nor there is any specific role attributed to them. He has submitted that the allegations made in the FIR were to the extent that 6-7 unknown persons were their along with the co-accused. He has submitted that in a premeditated manner, on the basis of supplementary statement recorded 10 days after the occurrence, the petitioners have been implicated in the present case. To buttress his arguments, learned senior counsel for the petitioners has submitted that even during the investigation, the offence under Section 109 BS has not been substantiated and thus the investigating agencies have deleted the same. He has submitted that even on the basis of the allegations made, the injuries, which are declared to be grievous, have been attributed to the co-accused and none of the injuries, as alleged against the petitioner, has been found to be grievous. He has submitted that the petitioners have no criminal antecedents and the investigation of the case already stands completed. He has submitted that in the facts and circumstances, both the petitioners deserve to be granted bail.

5. Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioners. He has submitted that the injured Surjit Singh had suffered 08 injuries, out of which 02 were declared grievous. He has submitted that the petitioners were the part of unlawful assembly and they were not only duly armed but they were



caused injuries to the injured. He has submitted that no case for the grant of bail to the petitioners is made out and thus the present petition deserves to be dismissed.

6. *Per contra*, learned counsel for the State however has vehemently opposed the submissions made by counsel for the petitioners. She has submitted that though the offence under Section 109 BNS has been deleted, however the petitioners had duly participated during the occurrence and they were duly armed as well. She, on instructions has submitted that the investigation is complete and the challan is presented. She has produced custody certificate of both the petitioners today in the Court and the same are taken on record.

7. Heard.

8. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioners were not specifically named in the FIR. As per the status report, the injured, Surjit Singh has suffered 08 injuries, out of which, injury Nos.3 and 5 are declared to be grievous in nature but the same are attributed to the co-accused and not to the petitioners. Custody certificates produced would show that the petitioners have completed the incarceration of 02 months and 26 days as on 08.09.2025. Custody Certificate further shows that the petitioners were not involved in any other case. Investigation already stands complete and the challan is presented.

9. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.



10. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioners succeed in making out a case for the grant of bail. Accordingly, both the petitions are allowed and the petitioners, namely, Shahbaz Singh @ Sodhi and Gursharan Singh are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

09.09.2025			(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No
			JUDGE