



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

CRM-M-48652-2024

Date of decision : 02.05.2025

Sukhwinder Singh

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sourabh Singla, Advocate for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.89 dated 25.04.2024, under Sections 323, 324, 506 & 34 of IPC and Section 326 IPC added later on, registered at Police Station Patran, District Patiala, Punjab.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Makhan Singh. It was alleged that on 22.04.2024 at about 9:30 AM he along with his son Nirmal Singh went to pay obeisance at Samajhof Mama Mada Singh in their village. Then his nephew, namely, Sukhwinder Singh @ Sukhi (petitioner) also came there. Some argument took place between the complainant and his nephew, namely, Sukhwinder Singh @ Sukhi on account of which he got raged. When they were returning home, Sukhwinder brought kirpan and gave blow to his wife, namely, Raj Kaur on her left arm, another blow on his son, namely, Nirmal Singh on his left arm and then gave the third blow on the head of the complainant. On raising alarm, the assailant escaped and thus, the request was made to take legal action against the culprit. On registration of FIR, investigation commenced. During investigation the petitioner was arrested on 05.07.2024. He petitioner



approached the Learned Additional Sessions Judge, Patiala, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Patiala vide order dated 14.08.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has contended that the petitioner and the complainant are close relatives. He submits that admittedly there is a version and cross-version and the cross-version has been registered by the petitioner against the complainant's side. He submits that the petitioner has no criminal antecedents and it being a case of version and cross-version, it is the matter of trial to assess as to which party was aggressor. He submits that the petitioner is behind bars since the date of his arrest and thus, he has completed an incarceration of more than 09 months. He submits that the prosecution is intentionally not producing the witnesses just to prolong the incarceration of the petitioner. He thus submits that the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the petitioner was duly armed and he had caused injuries to 03 persons and the same is medically corroborated. He submits that the injury attributed to the son of the complainant was declared grievous. It is submitted that out of total 19 prosecution witnesses, none has been examined so far. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case had taken place on 22.04.2024. The petitioner was arrested on 05.07.2024. The custody certificate produced would show that the petitioner has completed an



incarceration of 09 months and 26 days as on 01.05.2025. Custody certificate further reflects that the petitioner has no criminal antecedents as he has never been involved in any other case. Admittedly, it is a case of version and cross-version. Out of 19 prosecution witnesses, none has been examined so far.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his 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.

02.05.2025

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(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No