

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48870-2025
Reserved on: 01.10.2025
Pronounced on: 31.10.2025

Sukhdev Singh @ Tehla ...Petitioner

Versus

State of Punja ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Amandeep Soni, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Sahil Puri, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0042	01.02.2025	Kotwali, District Kapurthala	118(1)/ 115(2)/ 126(2)/ 191(3)/ 190 of BNS (Sections 117(2) and 118(2) BNS added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail for second time.
2. Per paragraph 15 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the short reply filed by the State, which reads as follows:

“3. That present FIR No.42 dated 01.02.2025, U/S 118(1), 115(2), 126(2), 191(3), 190, 117(2), 118(2) BNS, 2023 has been registered at P.S. Kotwali, District Kapurthala against Harpreet Singh, Billa @ Gurpreet Singh, Tehla @ Sukhdev Singh i.e. petitioner, Sahil and one unknown person on the statement of complainant Lakhwinder Singh wherein complainant has stated that on 31.01.2025 at 01:00 p.m. he was passing his tractor-trolley near the park of village Bhawanipur. The Electricity wires, which were dangling low were damaged. He had called the mechanic. After parking the tractor-trolley, he was returning back.

4. That complainant further stated that then Harpreet Singh Panch armed with iron strip in his hand, Billa son of Mangi empty handed, Tehla @ Sukhdev Singh along with Sahil son of Surjit Singh armed

with sticks and one unknown person stopped his tractor. He was pulled down from the Tractor. Harpreet Singh gave blow of iron stick on his nose. Billa son of Mangi gave blow of Karha on his face. Sahil gave cudgel blow on his head. Tehla i.e. petitioner gave another blow on his shoulder. Unknown person had manhandled him. Then the assailants left the spot and his money was lost in this scuffle.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further seeks bail on the grounds of parity with co-accused who have already been granted bail by this Court.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the short reply.

7. It would be appropriate to refer to the following portions of the short reply, which read as follows:

*“The role of the petitioner:
17. That petitioner along with other co-accused have inflicted injuries on the person of complainant sharing common intention hence there are specific allegations against the petitioner thus present petition is liable to be dismissed.”*

8. Earlier the petitioner and co-accused approached this Court for anticipatory bail and their petition was registered vide CRM-M No. 15016 of 2025 and this Court vide order dated 22.04.2025 granted bail to co-accused and petition qua petitioner was disposed of as withdrawn as this Court was not inclined to grant him bail. The injury attributed to the petitioner is danda on the head which is vital part of the body and thus, petitioner is not entitled to bail. Moreover, this is a second petition which is not maintainable as there is no change in circumstance.

9. The petitioner acted with cruelty which is corroborated with the nature of injuries.

10. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life.¹ The offense is heinous, and the crime brutal.

¹ In re Kemmler, 136 U.S. at 436 [Refer: Matthew Lippman, Contemporary criminal law: concepts, cases, and controversies, University of Illinois at Chicago, 51, SAGE, California, USA, fourth edition, 2016].

Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create a lot of insecurity in society. Once the courts form a prima facie opinion that the accused acted with cruelty, then such an accused ordinarily should not be granted bail, and if the courts deem it appropriate to grant, then it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused.

11. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

31.10.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.