



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

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CRM-M-53526-2024

Date of decision: 24.04.2025

Sukhwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S. Ghuman, Advocate and
Mr. Harleen Singh, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.88 dated 24.08.2023 under Sections 302, 324, 341, 148, 149, 201 of the IPC registered at Police Station City Samana, District Patiala.

2. Status report by way of affidavit of Guriqbal Singh, PPS, Deputy Superintendent of Police, Sub Division Samana, District Patiala, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner submits that the FIR in question came to be registered on the statement of PW Gurvinder Singh @ Gobinda (brother of deceased Lakhwinder Singh); a perusal of the FIR annexed as Annexure P-1 reveals that although it was a case of eye



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witness account, however, the FIR was registered against unknown persons. Learned counsel has submitted that further perusal of the FIR reveals that in the alleged occurrence one Sonu Singh was also allegedly inflicted injuries by the unknown assailants. However, while deposing before the learned Trial Court all the nine material witnesses including the complainant as well as the stamped witness Sonu Singh, had failed to identify the petitioner as being one of the alleged assailants, who had inflicted fatal injuries on the person of the deceased or for that matter on the person of PW Sonu Singh. Learned counsel has submitted that in the facts and circumstances, it is evident that the petitioner was not one of the alleged assailants who participated in the occurrence in question and had, therefore, been falsely implicated in the present case. Learned counsel submits that the petitioner has now been in custody since 25.08.2023; the trial is still underway as three prosecution witnesses still remain to be examined. Hence, further incarceration of the petitioner would serve no useful purpose as there can now be no apprehension of the petitioner intimidating or influencing any of the remaining witnesses, much less tampering with evidence.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Rajwinder Kaur, has not disputed the custody period of the petitioner nor has it been disputed on instructions that all the material witnesses stand examined and they had been declared hostile during trial. On further instructions, learned State counsel has



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not disputed that the petitioner was not named in the FIR in question and instead the FIR had been registered against unknown persons. However, learned State counsel has reiterated the allegations levelled in the FIR in question and submitted that all the accused, including the petitioner, were armed with lethal weapons with which they inflicted a number of injuries on the person of the deceased as well as PW Sonu Singh, who had rushed to the rescue of the deceased.

5. On a pointed query put to the learned State counsel as to whether any test identification parade was ever carried out after the accused, including the petitioner had been arrested, he, on instructions, has replied in the negative.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The petitioner has been in custody since 25.08.2023. The trial is unlikely to conclude in the near future with three prosecution witnesses still remaining to be examined. All the material witnesses already stand examined and as not disputed by the learned State counsel, have been declared hostile. Hence, further incarceration of the petitioner would serve no useful purpose. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed



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to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

24.04.2025

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**(MANJARI NEHRU KAUL)
JUDGE**

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