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2025:PHHC:149010



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: October 30, 2025

Sukhdev Singh alias Sukha Singh
.....Petitioner
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sukhbir Maandi, Advocate for the petitioner.
Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to
the petitioner in case bearing FIR No.139 dated 09.09.2023, registered for the
offences punishable under Sections 323, 324, 341, 506 & 34 of the Indian Penal
Code, 1860 (for short 'IPC') (Sections 307 & 201 of IPC added later on), at
Police Station Bhikhiwind, District Tarn Taran.

2. The gravamen of the allegations against the petitioner is that
complainant, namely, Satnam Singh stated that Sukhdev Singh (*petitioner
herein*) was in the habit of deliberately parking his rickshaw at the corner of the
complainant's house. His wife, Kuldeep Kaur, often objected to this practice.
On 28.08.2023, an altercation took place between them regarding the same
issue, but the matter was amicably settled with the intervention of Numberdar
Kartar Singh. On 29.08.2023, at about 8:30 p.m., the complainant's son,

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Akashdeep Singh, aged about 18 years, was returning home from the market after purchasing milk and was standing at the door of their house. The complainant saw his son in the street when, in the meantime, the petitioner (armed with a knife), his son Nikka (armed with a sickle/*datar*), and Daljit Singh, son of Harbans Singh, resident of Baler, arrived there and surrounded Akashdeep Singh. Nikka raised a *lalkara*, exhorting that Akashdeep Singh should not be allowed to escape as they were in the habit of objecting to them parking the rickshaw near their house. Thereafter, the petitioner inflicted a knife blow on the stomach of Akashdeep Singh, while Nikka attacked him with a sickle on his head. The third accused, Daljit Singh, started hurling abuses and issuing threats. As a result, Akashdeep Singh fell to the ground, covered in blood. The complainant raised an alarm, upon which his wife, Kuldeep Kaur, and his brother, Bhinder Singh, came out of the house. On seeing them, all the accused fled from the spot along with their respective weapons.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 01.11.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that there is unexplained delay of 11 days in registration of FIR in question. Learned counsel has further iterated that there is no tangible medical evidence available with the prosecution version so as to warrant conviction of the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 28.10.2025 in Court, which is taken on record.

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5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 01.11.2023 whereinafter investigation was carried out and challan has been presented on 11.02.2024. Total 24 prosecution witnesses have been cited, out of which, 07 have been examined till date. It is not in dispute before this Court that prime prosecution witnesses, namely, PW-Akashdeep Singh (injured) and Satnam Singh (FIR-complainant) already stand examined. Indubitably, conclusion of the trial will take its own time. The rival contention raised at Bar give rise to debatable issues, which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494***, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

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20. *We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.*

21. *We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”*

6.2. As per custody certificate dated 28.10.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 11 months and 26 days, & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed

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hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

October 30, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No