

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57567-2024
Reserved on: 06.03.2025
Pronounced on: 27.03.2025

Sukhdev Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sanjeev Manraj, Senior Advocate with
Mr. Rohit Bhardwaj, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

Mr. Vishal Goel, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
82	08.08.2023	Julkan, Distt. Patiala	302, 323, 341, 506, 34 IPC

1. The petitioner, who is 74 years old, is in custody more than 01 year and 03 months has come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That the brief facts of the present case/FIR No. 82 (supra) are that on 08.08.2023, a telephonic call was received from Police Post Rajindra Hospital, Patiala that Dr. Parteek has informed that a patient namely Amar Singh had been brought dead to the hospital because of a fight. Upon the receipt of Information, Insp. Harinder Singh SHO Police Station Julkan alongwith ASI Nishan Singh, ASI Sikanderpal Singh, ASI Sinderpal Singh, C-2 Gurinderpal Singh, Const. Manmohan Singh, Const. Rajvir Singh, PHG Amarjeet Singh, PHG Naresh Kumar reached at Rajindra Hospital Patiala, wherein Hardeep Singh alongwith his uncle's son Inderjit Singh met with the police party. Hardeep Singh (complainant)

recorded his statement before the police that a few days back, their electricity wire was broken and he connected wire with the electricity wire of his neighbor Gurcharan Singh's house to light his house. On this, Navdeep Singh alias Nav met the complainant outside his gate, who asked him as to why he had connected electricity wire to their wire, to which, the complainant replied that the wire was connected with the electricity wire of Gurcharan Singh's house. On saying so, Navdeep Singh alias Nav started calling bad names and the complainant went to his house quietly. Whenever Navdeep Singh alias Nav and son of his uncle namely Warsdeep Singh met the complainant outside, they used to tell him that if they would find him alone, they would teach him a lesson. Complainant's nephew Arshdeep Singh used to go to gym at Devigarh, who was chased and harassed by Navdeep Singh and Warsdeep Singh. Due to such chasing and harassing, complainant's aunt Jaspreet Kaur went to the house of Warsdeep Singh on 08.08.2023 to condemn their behavior. When the complainant went to the house of his uncle Balbir Singh on 08.08.2023, then at about 5-5:15 PM, his nephew Arshdeep Singh came running towards the complainant and told him that some people were beating his father (complainant's father). Upon which, complainant alongwith his uncle's son Sukhwinder Singh rushed to his house and saw that complainant's father Amar Singh was sitting outside the gate of his house and he was surrounded by Navdeep Singh alias Nav, Warsdeep Singh, Baljeet Singh and Sukhdev Singh (present petitioner). Navdeep Singh alias Nav was armed with iron rod, who gave its blow on the head of Amar Singh (father of complainant). Warsdeep Singh was also armed with iron rod, who gave its blow on the face of Amar Singh and Baljeet Singh and Sukhdev Singh (petitioner) were shouting that Amar Singh might not survive that day. When the aforesaid assailants saw the complainant coming alongwith other persons, they ran away from the spot alongwith their weapons while extending life threats. Thereafter, complainant alongwith Sukhwinder Singh took his father to Dudhan Sadha Hospital, from where, he was further referred to Rajindra Hospital Patiala. When the complainant took his father to Rajindra Hospital, the doctor declared him dead due to grievous injury in his head. The complainant further stated that the reason for enmity was that few days back, he had taken light by connecting electricity wir from his neighbor's house of Gurcharan Singh besides his au Jaspreet Kaur also went to their house to condemn.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and

contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail.

REASONING:

6. I have heard counsel for the parties and gone through the record, its analysis would lead to the following outcome.

7. In the facts stated by the State, the role attributed to petitioner-Sukhdev Singh was that he was shouted that Amar Singh should not be spared. It would be appropriate to refer to para 13 of the reply, which reads as follows:

"13. ROLE OF PETITIONER:- That as per the statement of complainant, the petitioner alongwith accused Warsdeep Singh, Navdeep Singh alias Nav and Baljeet Singh had surrounded the deceased Amar Singh and accused Navdeep Singh alias Nav gave an iron rod blow on the head of Amar Singh and accused Warsdeep Singh gave his iron rod blow on the face of deceased Amar Singh. Sukhdev Singh (petitioner) and accused Baljeet Singh were shouting (raising lalkaras) that Amar (deceased) should not be spared on that day."

8. Thus, the allegations against the petitioner-Sukhdev Singh and one of his co-accused Baljeet Singh, were that they were raising lalkaras that Amar Singh should not be spared. Although, such act *prima facie* would make an offence but this Court is deciding a bail application not considering the case for framing of charges or trial. There is no evidence that the persons, who had caused injuries were under so much of influence of the petitioner that they would not have acted if the petitioner had not raised a lalkara. Furthermore, petitioner is 74 years old and in all such circumstances, it is not a case for further pre trial incarceration. Moreover, as per paragraph 5 of the bail petition, the petitioner has been in custody since 10.08.2023. As per the custody certificate dated 17.01.2025, the petitioner's total custody in this FIR is 01 year, 05 months and 03 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the *prima facie* analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days of release from prison and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

15. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (CrI.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

16. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence,

influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

17. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.03.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.