



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

221

CRM-M-68-2024

Date of decision: 06.05.2025

Sukha Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Kamal Narula, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.36 dated 08.04.2022 under Sections 302, 323, 148, 149 of the IPC registered at Police Station Kot Ise Khan, District Moga.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in the present case, which pertains to an incident wherein the complainant and his family members were allegedly assaulted by the petitioner and his co-accused Tirath Singh and Gurpreet Singh, using swords, *sotas*, and sticks, resulting in the death of Nirmal Singh, brother of the complainant. It is contended that, even as per the allegations in the FIR (Annexure P-1), the petitioner was merely armed with a stick and no



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specific injury has been attributed to him.

3. Learned counsel has drawn attention to Annexure P-2, which is a report dated 28.11.2022 prepared by the DSP, whereby the petitioner was found innocent during the course of investigation. It has been submitted that, however, pursuant to an application filed under Section 319 of the Cr.P.C., the petitioner was subsequently summoned to face trial as an additional accused along with the co-accused.

4. It has still further been submitted that the petitioner has been in custody since 05.12.2023 and is not involved in any other criminal case. Both the material witnesses, including the complainant, who allegedly witnessed the occurrence has already been examined and hence further incarceration of the petitioner would serve no useful purpose, moreso when 13 prosecution witnesses still remain to be examined. Therefore, the petitioner be admitted to bail.

5. On the other hand, learned State counsel, assisted by counsel for the complainant, has not disputed the custody period of the petitioner nor has it been disputed that the petitioner was found innocent during investigation and was summoned only as an additional accused under Section 319 of the Cr.P.C. However, learned counsel for the complainant has submitted that the petitioner was very much present at the spot and was armed with a stick. However, it is not disputed by either of them that the fatal sword blow which allegedly caused the death of the deceased, Nirmal Singh has been attributed to co-accused Tirath Singh. Learned State counsel also does not dispute that no specific injury has been attributed to the present petitioner.



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

7. The petitioner was found innocent during the initial stage of investigation. He was summoned later under Section 319 of the Cr.P.C. as an additional accused. The role attributed to the petitioner is of being present with a stick; no overt-act or injury has been specifically attributed to him. Both the material witnesses, including the complainant, have already been examined, however, 13 prosecution witnesses remain to be examined. Furthermore, it is not disputed that the petitioner has no previous criminal antecedents.

8. In view of the totality of circumstances, including the nature of allegations, stage of trial, and custody period of the petitioner, this Court deems it fit to extend the concession of bail to the petitioner.

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

10. 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.

06.05.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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