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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62348-2024 (O&M)

Date of Decision: 09.01.2025

SUKHJIVAN SINGH

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. J.S. Moudgill, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.165 dated 22.07.2024, registered for the offences punishable under Sections 109, 121(1), 121(2), 132, 221, 191(3) and 190 of BNS, 2023 at Police Station Patran, District Patiala, Punjab.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

"At this time it was registered that ruqa written from S.I. Yashpal SHO P.S. one Patran for registration of case against Darshan Singh, Chanan Singh, Dilbag Singh son of late Leela Singh, Manjeet Kaur wife of Darshan Singh, Manpreet Kaur wife of Dilbag Singh, Shinder Kaur wife of late Leela Singh, Jatinder Singh @ Guri son of Dilbag Singh resident of Molviwala and other unidentified persons under section 109, 121(1), 121 (2), 132, 221, 191 (3), 190 of B.N.S. 2023 through HC Kashmir Singh has been received in Police Station. The subject matter of which is as under: Office Incharge Police Station Patran, Jai Hind, Today myself S.I./SHO is present in the police station Patran then I received a WhatsApp call on my mobile number 97797-17217 from the mobile number 97798-20085 of Talwinder Singh and who told me that one Gurpyar Singh was murdered in the village Molviwala and asked me to reach on the spot. On which myself SI/SHO alongwith ASI Jagdesh Narain 135, ASI Jagtar Singh 27, SC Deedar Singh 2297, SC Gulab Singh 2025, PHG Surjeet Singh 30301, PHG Megh Lal 18202 along with PCR party of



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police post city Patran ASI Shamsheer Singh 2507, HC Kashmir Singh 36, HC Rajesh Kumar 1070, PHG Harjeet Singh 18443, on a government vehicle bearing registration number PB65BG8793 and private vehicle reached in the village Molviwala. I have also informed DSP Patran about this incident on the telephone during the journey. When myself SI/SO, reached at the house of the Leela Singh along with the police party as per the information of the informant then loud noise are coming out from the house. Then myself SI/SO knocked the door to open it after revealing my identity that we are policemen and open the door. Ranjeet Singh son of Gurdeep Singh resident of village Molviwala came at the spot and who told to the person inside the house of the Leela Singh on my instruction that the Patran Police has come and open the door. Then the gate of the house of Leela Singh opened and then Darshan Singh, Chanan Singh, Dilbag Singh son of late Leela Singh, Manjeet Kaur wife of Darshan Singh, Manpreet Kaur wife of Dilbag Singh, Shinder Kaur wife of late Leela Singh, Jatinder Singh @ Guri son of Dilbag Singh resident of the village Molviwala and some unknown persons attacked on the police party with the intention to kill them, along with their Weapons according to the pre-planned planning made by all of them. Darshan Singh told to his companions that they called the police according to their plan and said them to kill all policemen and then suddenly Darshan Singh son of late Leela Singh resident of village Molviwala hit the iron Fohda, which he was holding in his hand, on my head with the intention to kill me. Then I raised my right hand on my head to save myself and the iron Fohda hit on my hand and then women and men inside the house and on the roof started pelting stones on the police party. The above-mentioned persons attack on me and my police party in the apprehension of their arrest. Police party back away to save themselves then above mentioned persons fled away from the spot along with their ASI respected weapons.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 02.08.2024. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further submitted that no offence under Section 109 of BNS, 2023 (earlier Section 307 of IPC) is made out against the petitioner. Learned counsel for the petitioner has iterated that the allegedly injured police officials, when taken for medical treatment, were reported as LAMA by the doctor as per the medical report. Learned counsel for the petitioner has further argued that since the police officials did not undertake the medical treatment, it is amply clear that the petitioner has been falsely implicated and the nature of injuries have been shown to be aggravated into the FIR as also the challan in question. Learned

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counsel for the petitioner has further submitted that the petitioner is a man with clean antecedents. Hence, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and the recovery of weapon in question has also been made from the petitioner, therefore, the petitioner does not deserve the concession of the regular bail.

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

6. The petitioner was arrested on 02.08.2024 whereinafter investigation was carried out & challan was presented on 29.10.2024. Total 19 prosecution witnesses have been cited and none has been examined till date. It is indubitable that conclusion of the trial will take its own time. The rival contention of the learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question; the weightage required to be attached to the factum of the allegedly injured police officials leaving the hospital as LAMA case and the effect/veracity required to be attached to the alleged recovery of the weapon in question from the petitioner; shall be gone into during the course of trial. These are debatable issues which are essentially require ratiocination 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 as the prime prosecution witnesses are police officials. As per the custody certificate dated 08.01.2025 filed by the learned State counsel, the

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is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant 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/Illaqha Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

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

09.01.2025

Jasmine Kaur

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No