



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

210

CRM-M-4582-2026

Date of decision: 20.03.2026

Sukhwinder Singh @ Laddi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Ranwant Singh Sangha, Advocate for the petitioner.

Mr. Gurdeep Singh, AAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No.117 dated 06.08.2024 registered against her and others, u/s 109, 3(5), 61(2) of BNS at Police Station Baghapurana, District Moga, has prayed for grant of bail.

2. Relevant facts as emerging from the status report dated 19.03.2026 be noticed hereinbelow:-

That the victim rendered his statement on 06-08-2024, in which he stated that on 04-08-2024 at 07-00 PM, his friend Lavi came to his friend and they went to trim their hairs and returned to their respective homes. Then he was going toward bus stands to fetch milk. Laddi (present petitioner) son of Swaran Singh, Komal son of unknown, Karma son of Iqbal Singh and Gabbar Singh son of unknown who are his co-villagers were already present on the road. Laddi (P) was holding a bottle of petrol and they all were talking with each other. However, he (C) overheard them, saying that they have to burn someone by pouring petrol, then he asked them, why they are going to burn anyone. On this, accused Komal became furious and asked Laddi (P) to pour petrol upon him and firstly burn him before burning any other person. Thereafter, when he



tried to ran away from the spot, then Karma caught hold him from his neck and thrown him on the ground. Laddi-Petitioner poured petrol upon him and Gabbar took out a lighter and burnt him as a result of which, he received burn injuries on his face and hands. Thereafter, they all fled away from the spot leaving the empty bottle at the spot. Sukhdev Singh and Lavi witnessed this occurrence while standing at some distance from the place of occurrence and they came there for his rescue and put heavy cloth upon him as well as earth to extinguish the fire. Thereafter, he (C) was taken to Civil Hospital, Baghapurana, from where, he was referred to Medical College, Faridkot, where he was given treatment. Acting upon the information offence u/s 109, 3(5), 61(2) BNS registered against following accused:

- i) Laddi s/o Swaran Singh (Present petitioner)*
- ii) Komal*
- iii) Karma*
- iv) Gabbar Singh.*

3. Petitioner/accused was arrested on 23.08.2024 and has been in custody since then. Petitioner moved an application for grant of bail before the learned Sessions Judge, Moga. The same was dismissed vide order dated 27.03.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case only on account of prior enmity between him and complainant. Falsity of the case set up by complainant is apparent from the fact that the solitary eye witness namely Sukhdev Singh, who allegedly had come to the rescue of the complainant immediately after the incident and had taken him to the hospital, while appearing in the witness box as PW2 refused to identify the present petitioner and other accused as being the persons who had poured petrol on complainant. It is further the submission of learned counsel that even the testimony of



complainant Gurwinder Singh when perused carefully does not inspire confidence.

Taking his submissions further learned counsel contends that two relevant prosecution witnesses have since been examined, petitioner who has been in custody since 23.08.2024, deserves a lenient view to be taken in his favour, for his further incarceration in the light of submissions advanced hereinabove, would not serve any useful purpose and would also be violative of his Fundamental rights guaranteed under Article 21 of the Constitution of India. Prayer for allowing the petition has been made.

5. Status report dated 19.03.2026 by way of an affidavit of Mr. Dalbir Singh, PPS, Deputy Superintendent of Police, Sub Division Baghapurana, District Moga has been placed on record. Learned State counsel has opposed the request for grant of bail on the ground that petitioner in association with the other accused sprinkled petrol on complainant and set him on fire, who suffered serious burn injuries, no lenient view deserves to be taken in favour of the petitioner. Learned State counsel further submits that in view of questionable past antecedents of petitioner, who is involved in another criminal case (FIR No. 36 dated 14.03.2021 u/s 25 of Arms Act wherein he is on bail), if extended the concession of bail, there is every likelihood of him fleeing from the process of justice by not appearing in the Court, over-awing complainant and other related witnesses and indulging in the similar offence yet again. Dismissal of the petition has been prayed for.

6. Both the counsel have been heard and documents on record have been perused.

7. In view of the submissions raised by learned counsel for the petitioner, but without advertng to merits of the case lest it may prejudice the trial, this Court is of the opinion that petitioner, who has been in custody since 23.08.2024, deserves to be extended the concession of bail as his



further detention without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

In case of ***Rup Bahadur Magar @ Sanki @ Rabin Vs. State of West Bengal, Criminal Appeal No.4144 of 2024*** decided on 04.10.2024, in a case under Sections 394, 395, 397, 307 read with 120-B of IPC, Hon'ble Supreme Court granted bail to the accused considering long incarceration undergone by him of 2 years and 9 months.

Recently, a Co-ordinate Bench of this Court in ***Neelkamal Singh Alias Billa Vs. State of Punjab*** passed in CRM-M-39765-2024 has held that although an accused may have past criminal antecedents but nonetheless if the incarceration period is long, he is entitled for the concession of bail.

"Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in "Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna", (1980) 1 SCC 98. Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned. reliance can be placed upon the order of this Court rendered in



CRM-M-25914-2022 titled as "**Baljinder Singh alias Rock vs. State of Punjab**" decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail."

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail bonds and two local sureties to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.
- (ii) The petitioner will not tamper with the evidence during the trial.
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the



evidence in any manner.

(vii) The petitioner shall not in any manner misuse his liberty.

(viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

20.03.2026

Hemant

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No