



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-33916-2026

Date of Decision : 22.06.2026

SUKHPREET SINGH @ SUKHA SINGH @ SUKHA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Savreet Singh Brar, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

Mr. Shivam Sharma, Advocate
for the complainant (through Video Conferencing)

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of bail under Section 483 of BNSS, 2023, has been filed by petitioner, an accused in case bearing FIR No.400 dated 18.09.2025 registered against him at Police Station City Faridkot, District Faridkot, for the commission of offences punishable u/s 109, 191(3), 190 of BNS (Sections 115(2), 118(1), 118(2) of BNS added later on).

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Criminal proceedings in the present case were initiated on a complaint lodged by one Manpreet Singh, s/o Gurdev Singh, r/o Balbir Basti Gali No.9, Faridkot, pointing therein that he was married to Amanpreet Kaur about 03 years ago. They are blessed with a male child, who is presently aged about 02 years. Unfortunately, he (C) was convicted in a criminal case and was lodged in a jail. During his absence, Manjit Kaur @ Preet, w/o Satpal Singh lured his (complainant's) wife Amanpreet Kaur and got her involved in illegal/immoral



activities. When he (C) came out from jail, all the facts were brought to his notice by his wife Amanpreet Kaur. Immediately thereafter, he along with his parents visited the house of Manjit Kaur and reprimanded her (Manjit Kaur). Instead of taking the counselling in the right spirit, Manjit Kaur started bearing a grudge against him.

Complainant alleged that in the late evening of 17.09.2025, he along with his wife Amanpreet Kaur and sister Rajni Kaur, had gone out for a walk and when they reached towards Chahal Road, they noticed Manjit Kaur @ Preet and Jagjit Singh @ Jagga Bhau standing nearby. Suddenly 04 persons, two each on two motorcycles arrived at the site, fully armed with swords etc. Manjit Kaur@Preet raised a lalkara/exhorted others to teach him (C) and his family members a lesson of their life time. Complainant next highlighted the role played by each of the miscreants and alleged that Kuldeep Singh @ Vichha, who was armed with 'Kapa', hit him on the back side of his head. Sukhpreet Singh @ Sukha (present petitioner) attacked him with a 'Kapa' on his right wrist, Jagdeep Singh @ Gaggu attacked his sister with a sword, Kulwinder Singh also hit him with a sword. Complainant further alleged that in the onslaught he and other family members suffered serious injuries. Family members arrived at the site, made necessary arrangements and rushed him and the other injured to the hospital.

On the basis of the said complaint and Medico Legal Report, a formal case vide FIR.400 dated 18.09.2025, u/s 109, 191(3), 190 of BNS, was registered against the present petitioner and other accused.

Investigations were set into motion, during which various accused were arrested on different dates. Insofar as, present petition is concerned, he was arrested on 17.10.2025. Admittedly, investigations in the present case are complete for challan stands filed.

3. An application for grant of bail was filed by the present petitioner. The same was dismissed by the learned Additional Sessions Judge, Faridkot, in terms of order dated 02.12.2025. Aggrieved of which, the present petition has



been filed.

4. Learned counsel for the petitioner contends that petitioner, a young boy of 21 years of age with clean past antecedents has been falsely implicated in the present case. The incident did not occur in the manner as portrayed by complainant, who in fact initiated verbal altercation. Further, even if the allegations as levelled in the FIR are taken to be true (though not admitted) only injury u/s 115(2) of BNS (earlier Section 323 IPC) has been attributed to the present petitioner as is apparent from the copy of the copy of challan, no injury suffered by the complainant or his sister has been declared as '*Dangerous*' to life.

It is further the submission of learned counsel that on account of intervention made by the respectables, the matter has been amicably settled between the parties. In this context, affidavit dated 18.05.2026 (executed by the complainant), copy of which has been appended as Annexure P-5 has also been referred to by the learned counsel.

Learned counsel next contends that co-accused Manjit Kaur @ Preet, Jagjit Singh @ Jagga Bhau and Ravi Singh have since been granted the concession of bail by this Court vide order dated 25.05.2026 passed in CRM-M-30339-2026 and vide orders dated 11.11.2025 and 17.02.2026 passed by the learned Additional Sessions Judge, Faridkot, respectively, it has thus been prayed that on grounds of parity, similar treatment be meted out to present petitioner.

Towards the end learned counsel contends that lenient view be taken in favour of the petitioner, moreso when investigations qua him are complete, challan stands filed, but the likelihood of completion of trial in the near future is quite remote for out of 21 prosecution witnesses, none has been examined till date, his (P) further incarceration; he being in custody since 17.10.2025, would not serve any useful purpose as the same would be violative of the fundamental rights guaranteed under Article 21 of the Constitution of India. Towards the end, learned counsel contends that petitioner undertakes to abide by all the conditions



so imposed by the Court, while extending the concession of bail to him. Prayer for allowing the petition has been made.

5. *Per contra*, learned State counsel has opposed the request for grant of bail submitting that in view of the seriousness and gravity of offence and the allegations levelled against the petitioner, who in pursuance of conspiracy hatched by other accused, mercilessly assaulted petitioner and his sister, both of whom suffered injuries, no case for grant of bail is made out, for if extended the concession of bail, the likelihood of petitioner over-awing complainant and other related witnesses, fleeing from the process of justice by not appearing in the Court is quite high. Dismissal of the petition has been prayed for.

Learned counsel for the complainant appearing through Video Conferencing though has confirmed the factum of compromise arrived at between the parties.

6. I have heard the learned counsel for the parties and with their able assistance, perused the record available on record.

7. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in "***Gurbaksh Singh Sibbia V. State of Punjab***", ((1980) 2 SCC 5) held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and



no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in [Gudikanti Narasimhulu v. Public Prosecutor](#) [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of [Article 21](#) are the life of that human right.”

29. In [Gurcharan Singh v. State \(Delhi Administration\)](#) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29“There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”



Factual aspects of the case have already been highlighted in para 2 of this order. A bare perusal of the challan reveals that as per prosecution version, a 'Kapa' injury on the head of the complainant has been attributed to the present petitioner, which has since been declared 'Simple' in nature. Admittedly no injury suffered by complainant or his sister has been declared 'Dangerous' to life. The Court is of the opinion that in the factual scenario as discussed above, further detention of the petitioner, who has been in custody since 17.10.2025 and whose past antecedents are quite clean, would not serve any useful purpose as the same, without the prospect of trial being concluded in the near future (out of 21 prosecution witnesses, none has been examined till date), 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.***

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety to the satisfaction of the learned Duty Magistrate/trial Court 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.

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

22.06.2026

Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>