



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

235

CRM-M-51759-2025

Date of decision: 09.02.2026

Sukhdev

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Shiv Kumar Sharma, Advocate for the petitioner.

Mr. Gurdeep Singh, AAG, Punjab.

Mr. Karanvir Singh, Advocate for the complainant(through VC)

AARADHNA SAWHNEY, J.(ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No.110 dated 30.06.2025 registered against her and others, u/s 109/115(2)/118(1)/191(3)/190 of BNS (Sections 118(2) of BNS added later on) at Police Station Dirba, District Sangrur, has prayed for grant of bail.

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

On 29.06.2025, an information was received at Police Station Dirba, Sangrur from Police Station City Sangrur, with regard to admission of injured Sarabjit Singh (complainant), son of Nahar Singh, Balwant Singh son of Sher Singh and Sandeep Sharma, son of Naresh Kumar, in Civil Hospital, Sangrur, on account of having suffered injuries in a assault. Immediately thereafter, police officials headed for the hospital and after taking permission from the doctor on duty, recorded statement of complainant-injured, who elaborated upon the sequence of events leading to the assault and also highlighted upon the role played by each of the accused. According to complainant, Sukhdev Singh (present petitioner) contacted him



on telephone and requested him to visit his village so as to settle an amount relating to purchase of buffalo. He (C) along with his friends Sandeep Sharma and Balwant Singh reached at the disclosed site where Sukhdev Singh (P) made them sit in the court yard and went away on the pretext that he would return back with tea and other refreshments. Complainant alleged that little later Sukhdev Singh (P) did not return back alone but was accompanied by several other persons most of whom were armed. Without any provocation or exchange of hot words, Sukhdev Singh (P) hit him (C) on his head with a 'datar' and when he (C) tried to defend himself, the blow landed on his left hand. The other friends of complainant were also mercilessly thrashed.

Primarily with this backdrop, complainant requested the police officials to catch hold of all those who were involved in this incident, as also to initiate appropriate criminal proceedings against them. On the basis of the said complaint and MLR the above mentioned criminal case was registered vide FIR No.110 dated 30.06.2025.

As per status report, Sandeep Sharma suffered 08 injuries, most of which were declared 'Simple'. Complainant-injured Sarabjit suffered 05 injuries, 02 of which were declared as 'Grievous' in nature. The third injured Balwant Singh suffered 05 injuries, which were also declared 'Simple'.

3. Petitioner/accused, who was arrested on 01.07.2025, moved an application for grant of bail before the learned Additional Sessions Judge, Sangrur. The same was dismissed vide order dated 22.08.2025. Aggrieved of the said order, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case by complainant only with a view to level scores with him. He did not actually participate in the incident but has been unnecessarily dragged in the present case. Learned counsel further

contends that none of the injuries suffered by one of the injured have been



declared dangerous to life.

The next leg of submission raised by learned counsel is that petitioner, whose past antecedents are quite clean; (being not involved in any other criminal case) and who has been in custody since 01.07.2025, deserves a lenient view to be taken in his favour, for investigations are complete and challan has been filed but since even charges have not been framed till date, the completion of trial is likely to take some time.

In the light of submissions advanced hereinabove, learned counsel prays that further incarceration of petitioner would not serve any useful purpose. Prayer for allowing the petition has been made.

5. Status report dated 26.10.2025 by way of an affidavit of Ms. Rupinder Kaur, PPS, Deputy Superintendent of Police, Dirba, Sangrur has been placed on record. Learned State counsel accompanied by learned counsel for the complainant have opposed the request for grant of bail on the ground that petitioner being a member of unlawful assembly, was armed with datar with which he inflicted injuries on the person of complainant and others 2 namely Sandeep Sharma and Balwant Singh and that the injuries suffered by complainant Sarabjit and other injured Balwant Singh have been declared as 'Grievous' in nature. It is further their contention that in case the concession of bail is granted to the petitioner, there is every likelihood of him overawing complainant and related witnesses, none of whom have been examined till date as also of fleeing from process of justice by not appearing in the Court. 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 advertent to merits of the case lest it may prejudice the trial, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, 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.***

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

09.02.2026

Hemant

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