

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

2026.PHHC:003415



(116)

CRA-S-3827-2025 (O&M)

Date of decision: 14.01.2026

Date of uploading: 14.01.2026

Sukhwinder Singh

....Petitioner

V/s

State of Punjab and another

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. L.S. Sekhon, Advocate for the appellant.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. The appellant has preferred the present appeal impugning the order dated 21.11.2025 passed by learned Additional Sessions Judge, Sangrur and seeking grant of regular bail in case bearing FIR No.103 dated 04.08.2023, registered for the offences punishable under Sections 302, 307, 325, 323, 341, 148, 149, 120-B, 201 IPC & Section 3(2)(v) of the SC/ST Act, at Police Station Sadar Sangrur, District Sangrur.

2. The gravamen of the FIR in question is that the FIR was lodged on the statement of the complainant by alleging that when he and Sikander Singh were going to their village on his motorcycle bearing No. PB-13-AV-1708 and when they reached about 1 KM ahead of bridge on

the area of village Balia then at about 12:30 P.M., one white colour vehicle came ahead of their motorcycle which was followed by 5-7 persons on 3-4 motorcycles. Thereafter, Tejinder Singh and his brother, namely, Sukhjinder Singh @ Bhola, came out of vehicle and other motor riders came towards them and they all were armed with iron rods, sticks and thereafter, they threw chilli powder from an envelope towards their faces, due to which chilli powder entered into their eyes. Thereafter, Sukhjinder Singh raised lalkara that instead of daily dispute with regard to land with them, they will finish them and started giving beatings to them. They have given iron rod blow on the left side of the chest of the complainant and caused injuries on his hands, shoulders, stomach, right thigh and right leg. Thereafter, Tejinder Singh along with Sukhjinder Singh have also caused injuries to Sikander Singh deceased and thus, the instant FIR got registered.

3. Learned counsel for the appellant alia contends that the appellant has been falsely implicated into the FIR in question. Learned counsel appearing for the appellant has further submitted that *assuming arguendo*, the prosecution version available at this juncture is taken to be correct, the actual assailant has used the vehicle of the appellant to escape from the spot. He has further argued that as per the case set up by the prosecution, there was a dispute between the deceased and the main accused, namely, Sukhjinder Singh @ Bhola. It is further alleged in the prosecution case that the main accused accompanied by some unknown persons firstly, threw chilli powder on the face of the deceased and thereafter, inflicted injuries on the deceased, namely, Sikander Singh as well as the complainant, namely, Ashwani Kumar. It is an admitted case of

the prosecution that the assailants were armed with iron rod and sticks. Thereafter, material improvements were made and even the factual ingredients to invoke the provisions under Section 302 of IPC are not there as the deceased has also recorded his statement and thereafter, he succumbed to his injuries. It is further submitted that the deceased had received six injuries and all were caused with blunt weapon and it would be a moot point to be determined by the learned trial Court whether the petitioner can be held liable for an offence under Section 302 of IPC or not. Further, there is nothing on record to establish the identity of the appellant as being one of the assailants. No test identification parade has been conducted. Learned counsel appearing for the appellant has further argued that the co-accused who were the actual assailants namely Darshan Singh, Saleem, Vikas Kumar, as per the prosecution version, have been afforded the concession of regular bail vide order dated 11.12.2023, 06.02.2025 and 27.02.2025 (Annexures A-3 to A-5). He has further submitted that the appellant has suffered incarceration for more than 2 years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present appeal by arguing that the allegations raised against the appellant are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 14.01.2026 in Court, which is taken on record.

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

6. The appellant was arrested on 07.11.2023 whereinafter investigation was carried out and challan was presented on 30.10.2023. Total 36 prosecution witnesses have been cited and it is the conceded position before this Court that none has been examined till date. It is not in dispute that culmination of trial will take its own time. The rival contentions raised at Bar give rise to debatable issues shall be ratiocinated upon 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.

6.1. As per custody certificate dated 14.01.2026 filed by the learned State counsel, the appellant has suffered incarceration for a period of 2 years, 2 months and 7 days & is not shown to be involved in any other FIR/case. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, the further detention of the appellant in custody is not required in the facts and circumstances of the case.

7. In view of the above, the appeal is allowed. Appellant is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant shall give his cell phone 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/Illaq Magistrate.
- (vii) The appellant shall not in any manner try to delay the trial.

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 appellant.

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.

		(SUMEET GOEL) JUDGE
14.01.2026	Whether speaking/reasoned:	Yes/No
Naveen	Whether reportable:	Yes/No