



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

302

**CRM-M No.39910 of 2025
Date of decision : 28.8.2025**

Ajaib Singh.....**Petitioner****Versus****State of Punjab**.....**Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Shubreet Kaur, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

Mr. Deepak Goyal, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.142 dated 19.8.2024, under Sections 118(1), 115(2), 351(1)(3) of Bharatiya Nyaya Sanhita, 2023 in which Section 118(2) of BNS added later on, registered at Police Station Sadar Dhuri, District Sangrur.

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

'Copy of statement injured Sukhwinder Kaur wife of Gurwinder Singh resident of Benari Patti Benra police station Sadar Dhuri age about 50 years stated that I am resident of Fateh on 17.08.2024 at around 9:30 am I was going to my field and when I reached the house of my father-in-law Ajaib Singh son of Santa, my father-in-law Ajaib Singh insulted me, who



had a desangarda in his hand, ran towards me and hit me with a desangarda, which hit on my left ankle and calf (backside of lower leg) of left leg. Once again, he hit me on my left foot, but hearing my cry, my mother, Surjit Kaur, wife of Jagdish Singh, resident of Chanda, who was coming behind me, raised hue and cry and my father-in-law ran away from the spot alongwith desangarda, by ran away from the spot while giving threats to both of us. Then my husband Gurwinder Singh arranged a vehicle and admitted me to the Civil Hospital Dhuri where I am undergoing treatment. My brother-in-law Lakhwinder Singh came to the hospital and threatened both of us. The motive behind the occurrence is that 10 years ago, my father in law had given us our share of land and my brother-in-law (Deor) and father-in-law want to forcefully take back the land in our possession. I had also made a video about this incident, which I will present lateron. Legal action may kindly be taken against my father-in-Law Ajaib Singh correct Sd/- Sukhwinder Kaur .’

3. Learned counsel for the petitioner has argued that the petitioner is 78 years old man suffering from HIV. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question on account of an impending property dispute between the petitioner and the FIR-complainant, who is none else than daughter-in-law of the petitioner. Learned counsel has further submitted that there are multifarious civil litigations (already pending adjudication) between the rival parties. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 25.8.2025 in Court, which is taken on record.

4.1 Learned counsel for the complainant has vehemently opposed



the bail petition by arguing that the allegations levelled against the petitioner are serious in nature. Learned counsel has further iterated that in case the petitioner is enlarged on bail, there is all likelihood of the petitioner to abscond from the process of justice and to interfere the evidence/prosecution witnesses.

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

6. The petitioner was arrested on 16.5.2025 and is in continuous custody since then. After completion of investigation, challan already stands presented on 28.2.2025 wherein total 14 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. It is not in dispute that the petitioner is an old man aged 78 years suffering from HIV. The rival contentions raised by learned counsel give rise to debatable issues which 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.

As per custody certificate dated 25.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 months and 9 days & 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 case.



7. In view of above, the present 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 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/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

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.

(SUMEET GOEL)
JUDGE

28.8.2025
Ashwani

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