



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

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**CRM-M No.13031 of 2025
Date of decision : 8.7.2025**

Swarn Singh @ Swaran SinghPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. P.S. Jammu, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

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.389 dated 9.9.2023 under Sections 147, 148, 149, 323, 341, 325, 307, 506 of the IPC, registered at Police Station Ellenabad, District Sirsa.

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

'Statement of Leeladhar Soni alias Leelu Soni son of Hans Raj Soni resident Ward No. 10, Ellenabad and is 29 year old, mobile number 82957-73437 stated that I am a resident of the above mentioned address. We are two brothers and both are married. I have a girl. My parents are alive. I am doing the work of labour. On dated 05.09.2023 time about 7.30 PM, my brother Ranjit Singh son of Pinda Deol, resident of Ward No. 3, Ellenabad was went from my house to take out my Bhua Ramandeep Kaur wife of Nirmal Singh, resident of Ward No. 13, Ellenabad. When I reached



near the street of the house of Ranjit's Bhua Ramandeep Kaur wife of Nirmal Singh, then about 12-13 boys riding on four motorcycles came from both sides of the street and stopped me. In the motorcycles, Punjab Virk resident of Daya Singh Thehar, Talwara Khurd, Swaran Singh Shekhon son, of Sukhdev Singh, resident of Ellenabad, Amar Sokhal resident of Sant Nagar, Karan Sokhal son of Swaran Singh, resident of Ward No. 7 Elenabad, Tej Virk, resident of Sant Nagar, Atma Ram son of unknown, resident of Neemla, Monu Pandit resident of Neemla and Dinesh Dhundhada resident of Dhundhada Wali Dhani, Weharwala Road, Ellenabad and 4-5 other unidentified persons, they all were armed with Datars (Knives). As soon as when I am going to enter in the House of Bhua of Ranjit, then all caught hold and (Punjab Virk gave blow on my head, when I raised my hand to save my life, then it hit on my wrist and wrist and after receiving the injury, I fell down and covered my head with both my hands. Then Karan Sokhal said that kill him today, he must not alive. In the meanwhile, all of them in connivance with each other started hitting. me with the Datars (Knives) with the intention to kill me and one of which hit me on my head and my both hands and legs cut down from many places with intention to kill me. When I raised noise 'Maar Diya Maar Diya'. After hearing my noise, my friend Roop Is son of Is Is resident of Ward No. 13, Ellenabad came there and Ramandeep Bhua of Ranjit, wife of Nirmal Is resident of Ward No. 13 also came outside from the house and many people were gathered at the spot. After seeing them coming, ail the accused ran away on the four motorcycles alongwith their respective weapons and while they were leaving, they threatened me that today you. have saved and how many days you saved, we will kill you. Then my friend Roop Is after arranging conveyance took me to the Government Hospital, Ellenabad where the doctor gave me first aid and referred me to Is. My CT scan has done in the Government Hospital, Is and thereafter my friend Roop Is and my family members got me admitted to Deep Hospital, Ludhiana due to excessive bleeding, where the operations of my hands and legs was undergone and now the treatment is going on. Punjab Virk resident of Daya Is Thehar, Talwara Khurd, Swaran Is Shekhon son of Sukhdev Is, resident of Ellenabad, Amar Sokhal resident of Sant Nagar, Karan Sokhal son of Swaran Is, resident of Ward No. 7 Ellenabad, Tej Virk, resident of Sant Nagar, Atma Ram son of unknown, resident of Neemla, Monu Pandit resident of Neemla and Dinesh



Dhundhada resident of Dhundhada Wali Dhani, Weharwala Road, Ellenabad and 4-5 other unidentified persons, I can identify them when they come forward before me, they in connivance with each other attacked upon me due to old rivalry. Strict legal action be taken against them. Now I am in full senses. I have recorded my statement in front of my friend Roop Is son of Is Is, resident of Ward No. 13, Ellenabad. The bandage are fixed upon my both the hands due to the amputation of both my hands. I can appended my toe. I have recorded my statement, which has been read over and is correct. Sd/- Toe of left fcot. Sd/- Roop. Attested Ram Niwas Police Station Ellenabad Dated 09.09.2023. Police Proceedings: Today on dated 05.09.2023, a doctor ruqa alongwith MLR No. PK/111/ENB/2023 dated 05.09.2023 of injured Leelu Soni s/o Hans Raj resident of Ward No. 10, Ellenabad was received due to the injuries sustained in fight who was admitted in CHC Ellenabad and referred to GH Is. Kindly come taking proceedings. Due to the paucity of time and lack of conveyance, the statement could not be recorded. Then on dated 06.04.2023, I alongwith my colleague reached at GH Is for recording the statement and presented a written application to doctor sahib, but doctor sahib declared the injured Leelu Soni unfit for statement. Then on dated 07.09.2023, I' IS alongwith Constable Satyavir No. 1027 reached at Deep Hospital, Ludhiana and presented a written application to the doctor, which the doctor declared the injured Leelu Soni unfit for statement. The legal heirs of the injured were not found present at the spot, but the friend of injured was found present who stated that whose gave injuries to Leelu Soni that can be stated by Leelu Soni, whose operation is going on. We will inform you when Leelu Soni came OIL consciousness. Then on dated 08.09.2-23 the matter was inquired about the injured, then the heir told that Leelu Soni is not yet fully conscious. Today, on dated 09.09.2023, when I IS contacted the family of injured Leelu Soni, the heir of Leelu Soni told that Leelu Soni is still fully conscious and can give statement. On which I IS alongwith Constable Satyavir No. 1027 after reaching Deep Hospital, Ludhiana, a written application was presented to docter sahib in which doctor sahib declared fit injured Leelu Soni to give statement. Thereafter, the statement of injured was recorded in the ward at his bed. After recording the statement, which was read over and explained to injured who considered it correct and put the left feet toe impression and the friend of injured namely Rup Is son of Is Is, resident of Ward No. 13,



Ellenabad put his signatures in English, which was verified by I IS. As per MLR Nc. PK/111/ ENB/2023 dated 05.09.2023, doctor sahib has opined total 7 injuries KUO BLUNT to Lee'u Soni son of Hans Raj, resident of Ward No. 10, Ellenabad, in which injury no. 1 IS NCCT HEAD NEUROSURGEON OPINION and injury no. 2, 3, 4, 5, 6, 7 IS for X-RAY ORTHO OPINION. As per the statement of complainant and MLR, the offence is found to be made out under section 147, 148, 149, 323, 341, 506 of IS, so that Constable Satyavir No. 1027 is being sent to Police Station Ellenabad for lodging the case. Number be informed after registration of case. I IS alongwith spot witness Roop Is are leaving for the place of occurrence. Today: Deep Hospital Ludhiana Punjab Sd/- Ram Niwas Police Station Ellenabad Date 09.09.2023 AT- 4:20 PM.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 2.11.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question on account of a long standing rivalry between a friend of the petitioner and the complainant-side. Learned counsel has further submitted that as per the FIR version itself, the injury which has been resulted into the injury causing amputation, is not attributed to the petitioner but is attributed to the co-accused-Punjab Virk. Learned counsel for the petitioner has thus iterated that no specific clear injury attributable to the petitioner. 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 7.7.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the



available records of the case.

6. The petitioner was arrested on 2.11.2023 whereinafter investigation was carried out and challan was presented on 12.12.2023. Charges in the case were framed way back on 11.3.2024 Total 20 prosecution witnesses have been cited but only one witness has been examined till date. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

The rival contention raised at par give rise to debatable issues which shall essentially 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. Indubitably, the petition in hand is the second bail petition preferred on behalf of the petitioner. The first bail petition preferred by the petitioner was dismissed as withdrawn by this Court vide order dated 22.1.2025.

Keeping in view the entirety of the facts and circumstances of the case, especially the factum of the earlier bail petition having been withdrawn and only one witness has been examined till date, this Court is inclined to consider the instant petition. As per custody certificate dated 7.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one year, eight months and five days.

As per the said custody certificate, the petitioner is stated to be involved in one more FIR registered under sections 323/324 of IPC. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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, 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.

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

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opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

8.7.2025

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No