

2025:PHHC:006507



206.

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

CRM-M-37312-2024

Date of decision: 17.01.2025

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ranbir Singh Sekhon, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is third petition that has been filed under Section 483 of Bharatiya Nyaya Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.70, dated 21.09.2019, under Sections 302, 452, 324, 323, 148, 149, 120-B of IPC, registered at Police Station Talwandi Bhai, District Ferozpur.

Learned counsel for the petitioner submits that the petitioner has been in custody since 20.07.2020 in a case of false implication. It has been further submitted that the trial has not concluded to-date despite the challan qua the present petitioner having been presented way back in the year 2020 and charges having been framed on 19.11.2022. It has been thus asserted that since the material witnesses in the present case stands examined, further incarceration of the petitioner would serve no useful

purpose as there can be now no possibility of the petitioner intimidating/ influencing the witnesses.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the stage of trial nor has he disputed the custody period of the petitioner. He, however, has submitted that the instant FIR is based on an eyewitness account; the trial is nearing conclusion, as only 07 prosecution witnesses remain to be examined. Learned State counsel has, in addition, reiterated the allegations levelled in the FIR, which has been annexed as Annexure P-1, and stands reproduced hereinunder:-

“Statement of Harjinder Kaur wife of Naginder Singh son of Gurdeep Singh resident of Haraj age about 35 years Mobile no.87258-93733 stated that I am resident of above said address and doing a household works. My marriage was solemnized with Naginder Singh son of Gurdeep Singh 10 years ago. I have two sons. The Elder son Harveer Singh age about 8 years and the younger one is Manveer Singh age about 7 years. Our residence is in Village Haraj in our Field. Baldev Singh son of Sohan Singh resident of Haraj is having his house near our house. Both houses have only one passage to go our houses from the village. Our house comes first in this passage. At about 8.15 p.m after finishing our dinner our family was sitting and talking with each other, then Baldev Singh son of Sohan Singh armed with gandasa, Amandeep Singh son of Baldev Singh armed with iron rod, **Sukhwinder Singh son of Jasveer Singh** armed with kapa, Manpreet Singh son of Baldev Singh armed with gandansi, Manjinder Singh son of Baldev Singh armed with gandasi, Harpeet Kaur daughter of Baldev Singh armed with Daang and Jaswinder Kaur wife of Baldev Singh armed with Daang entered their house while raising lalkaras and started giving beatings to us. Baldev Singh gave a Gandasa blow to my husband Naginder Singh which hit on the upper part of his head. Baldev Singh again gave two consecutive blows on his head. Thereafter, Sukhwinder Singh gave a kappa blow on the right side near right eye of her

husband. Thereafter, Manpreet Singh gave a gandasi blow on the left hand of her husband. Thereafter, Amandeep Singh gave a rod blow on her which hit on my right shoulder. Jaswinder Kaur gave a Daang blow to me which hit on my left eyebrow near my eye. Jaswinder Kaur again gave another Daang blow to me which hit on my left wrist. All these accused persons with common intention caused these injuries to my husband Naginder Singh, my father in law Gurdeep Singh son of Daman Singh my son Harveer Singh and Manvir Singh. Lakhwinder Singh son of Surjit Singh and Charanjit Singh son of Parkash Singh residents of Haraj arranged the vehicle and got admitted us in the GGS Medical College, Faridkot for treatment. The motive behind the grudge was that there was a dispute regarding passage between the parties, due to which these accused persons gave injuries to my husband Naginder Singh, my brother in law Jagseer Singh and my father in law Gurdeep Singh. Due to injuries inflicted by them, my husband Naginder Singh died during treatment and other persons are under treatment in the injured condition. All the accused persons came to our house and caused injuries at the instigation of Rajwinder Kaur daughter of Surjit Singh, who is niece of Baldev Singh resident of Panj Garai Kalan. At the time of occurrence, the accused were accompanied by 5/6 unidentified persons who were also armed with Kappas and Daangs. Statement has been recorded. Kindly take the legal action. Sd/ Harjinder Kaur Sd/ Gurpreet Singh son of Gurjant Singh resident of Thethar Kalan. Verified Sd/- Shimla Rani SHO Police Station Talwandi Bhai date 21.09.19.”

I have heard learned counsel for the parties and perused the material placed on record.

Since the trial is nearing conclusion, coupled with the fact that all the material witnesses, who were examined, supported the case of the prosecution, this Court does not deem it fit to extend the concession of bail to the petitioner at this stage.

Present petition stands dismissed accordingly.

At this stage, learned counsel for the petitioner prays for directing the trial Court concerned to conclude the trial expeditiously in view of long incarceration of the petitioner.

The trial Court is directed to make earnest efforts to expedite the trial and conclude the same at the earliest, preferably within the next three months.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 17, 2025
sanjeev

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