

2025:PHHC:077075



210.

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

**CRM-M-16429-2025**

Date of decision: 01.07.2025

Sukhdev Singh @ Happy @ Appy

.... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Lovish Arora, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner, pending trial, in case FIR No.0154, dated 22.12.2024, under Sections 118(1), 115(2), 110, 3(5) of BNS, 2023 (Sections 115(2) and 110 of BNS added lateron and Section 118(1) BNS deleted), registered at Police Station Smalsar, District Moga.

2. Learned counsel for the petitioner submits that even as per the case of the prosecution, the petitioner has been attributed only a bat blow on the non-vital part of the body of the injured i.e. his leg, which resulted in a fracture. It has been submitted that after the petitioner was arrested on 01.03.2025, investigation qua him is complete as challan stands presented, however, charges have not yet been framed. It has been further submitted that a false and fabricated case has been planted upon the petitioner on

account of animosity between the complainant party and co-accused, Randhir Singh @ Dheera, who is the petitioner's brother. It has also been brought to the notice of this Court by the learned counsel that the petitioner has never been involved in any criminal case under the IPC/BNS. A prayer has, therefore, been made for extending the concession of bail to the petitioner as there is no likelihood of the trial concluding in the near future more so when as many as 17 witnesses have been cited by the prosecution.

3. In compliance of order dated 23.05.2025, short reply by way of affidavit dated 22.06.2025 of Dalbir Singh, PPS, Deputy Superintendent of Police, Sub-Division Baghapura, District Moga, has already been filed in the Registry of this Court, which is taken on record. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has the State counsel, on instructions, disputed that the challan stands presented against the petitioner. It has also not been disputed, on instructions, that the petitioner has been attributed a bat blow on the leg of injured. However, learned State counsel, while drawing the attention of this Court to the allegations levelled in the FIR annexed as Annexure P-1, has reiterated the allegations levelled therein, and submitted that the petitioner has been specifically named and attributed the role in the occurrence in question.

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

5. The petitioner has been in custody since 01.03.2025. The petitioner, who was alleged to be armed with a bat, has been attributed an

injury on the left leg of the injured which led to a fracture. The trial would take considerable time to conclude as charges are likely to be framed only on the next date of hearing i.e. 03.07.2025, coupled with the fact that as many as 17 prosecution witnesses have been examined.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**July 01, 2025**  
sanjeev

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