

2025:PHHC:118748



[231] **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-47386-2025

Date of Decision : 02.09.2025

Sohan Singh

...Petitioner

versus

State of Punjab

...Respondent

Coram : **HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Tushaar Madaan, Advocate for the petitioner.

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (ORAL)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Sohan Singh	0235	16.07.2024	143, 144, 145, 316, 318, 308, 127(3), 127(6), 127(7), 351(3), 61 of BNS, 2023 (charges separately framed under Sections 61(2), 318, 316 r/w Section 61 of BNS, 2023, 351(3) and 111(3) of BNS, 2023.	City Hoshiarpur	Hoshiarpur

2. Learned counsel for the petitioner contends that although the first regular bail petition was withdrawn on 14.01.2025, in view of the grant of bail to the main accused, namely Sukhvir Singh @ Kala, by a Co-ordinate Bench of this Court vide order dated 17.06.2025 passed in CRM-M-31479-2025, fresh grounds have arisen in favour of the petitioner. He further submits that the second bail petition (CRM-M-14277-2025) was also withdrawn on 21.08.2025 with liberty to file a fresh petition with better particulars. Hence, the instant regular bail petition.

The allegations in the FIR reveal that the main grievance raised by the complainant, Ms. NiharikaWalia (aged 26 years), is against co-accused Sukhvir Sahota (mentioned in the FIR as Sukhvir Singh @ Kala). Primarily, the allegations are directed against the said accused, whereas the only role attributed to the petitioner is that he facilitated issuance of a VISA for the victim and co-accused Sukhvir Singh @ Kala from Haryana, pursuant to which the complainant was sent alone to Dubai. No other overt act has been alleged against the petitioner. Learned counsel for the petitioner has also produced a copy of the order dated 17.06.2025 passed in CRM-M-31479-2025, whereby co-accused Sukhvir Singh @ Kala has been granted bail, which is taken on record.

3. Learned counsel for the petitioner also submits that the petitioner is inside jail for the last about 01 year, 01 month and 10 days and except of his involvement in the present case, his antecedents are clean.

4. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 01.09.2025 in Court today, which is taken on

record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 01 year 01 month and 10 days period inside jail and there is no other case registered against him.

5. Learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that significant number of witnesses are yet to be examined as out of 18 prosecution witnesses only 01 has been examined so far. Granting the concession of bail to the petitioner at this stage, may result in influencing the witnesses by him absconding, and causing obstruction to the administration of justice. In view of these considerations, learned State Counsel prays for dismissal of the present petition.

6. This Court has heard the submissions advanced by counsel for the parties and has carefully perused the record placed before it.

Taking into consideration the total period of incarceration undergone by the petitioner, the fact that the main co-accused, namely Sukhvir Singh @ Kala, has already been granted bail, and the submission of learned State Counsel, Punjab, that out of 18 prosecution witnesses, only one, i.e. the complainant (material witness), has been examined so far.

7. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**.
Petitioner is ordered to be released on bail, subject to his furnishing

bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

02.09.2025

'R. Sharma'

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