

CIS BA-539-2024

Sukhvir Singh @ Sukhi Vs State of Punjab.

FIR No.48 dated 13.06.2024

Under Sections: 452,341,323,506,148,149 IPC

Police Station: Banur

Present: Sh. Jagroop Singh Soni, Advocate, Ld. Counsel for the applicant-accused
Sh. Varun Sharma, Ld. APP for the State/respondent assisted by Investigating Officer ASI Mohd. Naseem, No.831/PTL, posted at PS Banur.

1. The papers were fixed for police record which has been produced by the concerned police official and perused.

2. IO/ASI Mohd. Naseem, No.831/PTL has appeared and suffered a separate statement to the effect he is the IO in the present case. As per his knowledge and police record, no other bail application is pending or has been decided by any Court of law regarding the accused Sukhvir Singh @ Sukhi in FIR No.48 dated 13.06.2024, under Sections 452,341,323,506,148,149 IPC, PS Banur and no section was added later on. It is further stated that there is no other FIR registered against the accused. The accused was sent in custody on 18.06.2024.

2. Brief factual matrix of the instant case is that DDR No. 30 dated 11.06.2024 received at police station Banur against the accused persons wherein complainant Amita Bachan got recorded his statement to the effect that he is an auto driver. On 09.06.2024, at night after having dinner, he was talking to his family members. At about 12:30 pm, at night his cousin namely Vikram, son of Seu Ram was going towards his house and when he reached near his house, then Simrat, son of Amrik along with four unknown persons came on the motorcycle and encircled him, started abusing and gave beatings to him. It is further averred that one of the accused slapped on the left cheek of Vikram, Simrat gave fist blow on his

chest and left side of the head. It is further stated that one of the accused tried to hit the foot of Vikram with sword but he rescued himself. Thereafter, on hearing the voice of the Vikram, his father, mother-in-law Meghna and wife Parneet Kaur came on the spot and the accused persons ran away from the spot. Accused Simrat has stolen Rs.20,000/- from the pocket of Vikram.

It is further averred that on 10.06.2024 at about 7:00 am, the accused persons entered into the house of the complainant. The mother of accused Simrat namely Pinki started abusing them. The accused Sukhi, Simmi, Konu, sons of Amrik Singh gave brick bats blow to them due to which Paramjit Kaur sustained injury on his left foot. Thereafter, at about 10:00 am, accused Sukhi armed with sword, Simrat and Konu armed with gandasi, Simi armed with Hockey, along with 20-25 unknown persons reached their house and hit his auto with gandasa. Accused Sukhi has given gandasa blow to the thigh of his father, fist blow to his left eye and Simi gave hockey blow to his left leg. After the incident, the accused persons ran away from the spot. Hence, the present FIR.

4. It has been argued by the Ld. Counsel for applicant-accused that the abovesaid FIR has been falsely registered against the applicant and he has not committed any offence. It is further averred that accused is in custody since 17.06.2024. It is further stated that challan has not been presented yet and it is likely to take sufficient long time to complete the trial as such, the applicant prayed for grant of bail. It is further stated that the applicant is an innocent person and law abiding citizen of India. It is further stated that no purpose would be served by keeping the applicant/accused behind the bars for such a long time. The accused-applicant is ready to abide by all the terms and conditions imposed by this Court if he is released on bail and there is no danger of the petitioner tampering with the prosecution evidence. The Ld. Counsel for the applicant-accused has prayed that the present bail application be allowed. It is pertinent to mention at the cost of reiteration that as per the Affidavit

annexed along-with the instant bail application, this is the first regular bail application of the applicant-accused after the abovesaid circumstances.

5. Upon notice, the Ld. APP for the State has not filed any reply to the bail application but has orally opposed the same on the ground that the applicant-accused has committed a serious offence as such, he is not entitled for bail. Accordingly, the Ld. APP for the State sought for the bail application to be dismissed.

6. The Ld. Counsel for the applicant-accused and Ld. APP for the State have been heard at length and the case file along with police record has been perused minutely with their able assistance.

7. Perusal of the file reveals that there are specific allegations qua the accused that he along with his co-accused wrongfully restrained the complainant/victim, entered into their house and inflicted injuries upon their person. During the Course of arguments, Ld. Counsel for the accused has produced on record the copy of the complaint dated 10.06.2024 from the accused party against the complainant. The FIR is later in time pertaining to 13.06.2024. It has been argued that infact the complainant party was the aggressor and not the accused but the police has registered a false case against the accused persons. Keeping in view the accused was arrested on 17.06.2024 and recovery has already effected and there are no criminal antecedents of the accused as per the FIR. Further the presentation of challan would take sufficient time. Therefore, in the considered opinion of the Court, no useful purpose will be served by detaining the accused behind the bars for an indefinite period and it will be additional burden upon the State exchequer. Pre-trial detention is never considered to be in the interest of justice because guilt of the accused is yet to be established. It is not desired that the liberty of the human being be taken away on conjectures and surmises. As such, bail and not jail is the cardinal principle to be followed. Hence, considering the present circumstances of the instant case, the applicant-accused is admitted to bail on his furnishing personal and surety bonds in the sum of

Rs.30,000/- with one surety of the like amount, subject to the compliance of conditions as mentioned under Section 437 (3) of Cr.P.C. Needless to say, nothing observed herein shall have any effect on the merits of the case. Requisite bail bonds not furnished. In view of the orders dated 31.01.2023 passed by the Hon'ble Supreme Court in ***Suo Motu Writ Petition (Crl.) No.4 of 2021 in Re:Policy strategy*** for grant of bail, let the soft copy of this order be e-mail to the prisoner/accused through Jail Superintendent forthwith. Let, the bail application be disposed of and tagged with the pending papers, if any.

Date of order: 28.06.2024

(Sangam Kaushal,PCS)
JMIC-SAS Nagar/Mohali
UID No.PB-0639(Duty)

Jyoti

