

Sessions Case 77 /2025

Order No. 05 dated 10.12.2025

Ld. Advocates for all the accused persons are present.

Ld. PP in charge is present.

The IO is also present with the CD.

In terms of order dated 09.12.2025, today is fixed for hearing of the petition for the accused **Surender Singh @ Surinder Paul Singh @ Guggi.**

Heard Ld. Advocate for the accused and Ld. PP in charge.

In this case charge sheet was submitted against 26 accused persons for offence U/s 189(2)/189(3)/191(2)/191(3)/195(1)/132/121(1)/121(2)/324(5)/3(5) BNS and section 3 of PDPP Act 1984 and section 10 of WBMPO Act, 1972.

As per the written complaint lodged by SI Gourav Bhattacharyya dated 02.11.2024 an incident of rioting took place on 01.11.2024, 02.11.2024 at Narkeldanga main road, Kolkata-11.

From the complaint it appears that this accused came out from his residence with sword and fire arms and he had fired from the said fire arms.

The police personnel sustained grievous injury in the hand of the said accused.

It was the submission of the Ld. Advocate for the accused that over the same incident dated 01.11.2024/ 02.11.2024 four separate cases were initiated against several persons and in all cases, the place of occurrence was in front of or near to 139 Narkeldanga main road.

It was submitted by the Ld. Advocate for the accused and the Ld. PP in charge that the bail prayer of this accused was rejected by the Hon'ble Court in CRM (DB) 1053 of 2025 dated 29.04.2025.

The Ld. PP in charge submits that when on 29.04.2025 the Hon'ble Court has been pleased to reject the bail prayer of this accused, charge sheet had already been submitted.

From the CS it appears that the same bears the endorsement of the Ld. ACJM, Sealdah dated 22.03.2025.

Obviously, it is clear that when the Hon'ble Court has been pleased to reject the bail prayer of this accused, CS was submitted.

During hearing Ld. Advocate for the accused placed before me the ratio of decision of the Hon'le Apex Court as passed in *T. T Antony Vs State of Kerala reported in AIR 2001 SC 2637.*

The Ld. Counsel for the accused submits that the injury report as was filed with the charge sheet does not show that any public servant sustained grievous hurt.

Moreover, it was also submitted that the provisions of Rule 91A of Calcutta High Court Criminal (Subordinate Courts) Rules, 1985 was not complied by the IO and the list of documents relied upon by the IO was not placed before the court.

It was also submitted by the Ld. Counsel for the accused that no CCTV footage was provided to them in this case and if the said CCTV footage be considered, the truth would be come out. It was further submission of the Ld. Advocate for the accused that it was not possible for a single person to be present at various points at the same time.

I have heard the submission of the Ld. Counsel.

The IO submitted in open court that though he had seized the CCTV footage of the concerned PO but the same was not sent for forensic examination.

I have perused the last order of the Hon'ble Court where the bail prayer of the accused was rejected after filing of the CS.

It appears from the said order that all the points, which is placed today, were considered by the Hon'ble Court and after thorough consideration the Hon'ble Court observed that the technical latches on the part of the investigation agency can not be ground for releasing the accused on bail.

I have kept in mind the observation of the Hon'ble Court.

I have also carefully considered the injury reports of the police officers as found in the CD.

It is doubtful that whether the injuries sustained by the police officers can be termed as grievous hurt or not.

Even after considering all aspects, I am not inclined to go against the observation of the Hon'ble Court as passed in *CRM (DB) 1053 of 2025* and the prayer for bail of the accused namely **Surender Singh @ Surinder Paul Singh @ Guggi** stands rejected at this stage.

Fix **05.01.2026** for appearance/production and further order.

Return CD.

D/C by me

ASJ, 1st Court, Sealdah

(Anirban Das)/WB0691
Addl. Sessions Judge, 1st Court,
Sealdah, 24-Pgs.(S).