



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

204

CRM-M No.1069 of 2025 (O & M)
Date of decision : 29.8.2025

Baljit Singh**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Saurav Bhatia, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

Mr. A.S. Rai, Advocate, Advocate (through VC) and
Ms. Sunaina, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.63 dated 1.5.2019, under Sections 302, 341, 148, 149 of the IPC (Section 201 of IPC added later on), registered at Police Station Garhshankar, District Hoshiarpur.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Smt. Navdeep Kaur aged about 29 years, W/O Late Paramjeet Singh R/O GhagororhaWali, police station Garhshankar, Mob. No. 98722-25188. Stated that I am resident of above said address and has studied till class 10th, I have two sons. Elder son Karanpreet Singh aged about 7 years and younger son Harshdeep Singh aged about 5 years. on dated 30.04.2019, there was a fair at Peeranwali place in our village. I



alongwith my husband Paramjeet Singh went to fair. At about 11:30 PM, Baljeet Singh @ Hani, AvtarKrishan sons of Balveer Singh, Gorak Sahota, Jatinder Kumar @ Jodha sons of Mahinderpal residents of Ghagoroda Wali, Karan Kumar and his brother Tiddi sons of Joginder Pal residents of Borha surrounded my husband on the road ahead place of Peeran. All of them slapped my husband Paramjeet Singh and serious injuries as well as given punch blows to him. I alongwith Mahinder Pal S/O Kartar Chand R/O Bhamiya tried to save my husband Paramjeet Singh from them. Then Baljeet Singh @ Hani given blow of his armed Khanda directly on my husband, which hits on the right side of the head of my husband. My husband fell down. I raised clamour bachaobachao. Upon seeing gathering of public, above said assailants alongwith Khada ran away from the spot. Then I arranged a vehicle and put my inside the car and alongwith my father-in-law Nirmal Singh S/O Bachan Singh admitted him for treatment in Civil hospital Garhshankar. Doctor given first aid to him and and referred him to another hospital for treatment. We took him to Civil Hospital, Nawanshehar. Doctor checked my husband there and declared him dead. We have deposited his dead body at Civil Hospital Nawanshehar and informed my relatives. Today I alongwith my father-in-law Nirmal Singh was coming to police station to inform you. You met us. Above said assailants have surrounded my husband and have inflicted serious injuries to him and has committed his murder. Legal action may kindly be taken against above said assailants. Above said assailants used to stop my husband from passing on the road towards his house and used to hold quarrel. Yesterday also, place of Peeran was towards their house and due to this grudge, when my husband went to the fair, they have inflicted injuries to my husband and have committed his murder. Appropriate legal action may kindly be taken. Statement has been recorded and is correct. Sd/ Navpreet Kaur.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 18.11.2022. Learned counsel has further iterated that, it was the deceased who was drunk at the time of incident which had actually caused the fight. Learned counsel has further argued that the case in hand, at the most is of Section 304 of IPC and not of Section 302 of



IPC. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the petitioner is in custody for more than 2 years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 28.8.2025 in Court, which is taken on record.

4.1 Learned counsel for the complainant has argued that there are direct and clear allegations against the petitioner. Learned counsel has further iterated that the petitioner is the main accused who has given the fatal blow to the deceased. Learned counsel has further argued that in case the petitioner is enlarged on bail, there is all likelihood of the petitioner to flee from the process of justice and to interfere with the remaining prosecution evidence. Thus, dismissal of the bail petition has been sought for.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 18.11.2022 wherein after investigation was carried out and challan stands presented on 13.2.2023 *qua* the petitioner. Total 27 prosecution witnesses have been cited out of which only 12 have been examined. It is common ground between the rival counsel that the prosecution witnesses especially the material private



witnesses including the FIR-complainant stand examined. Conclusion of the trial but of course, will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 28.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 9 months and 9 days. As per the said custody certificate, the petitioner is stated to be involved in 3 more FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana*,

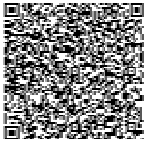
***1998 (3) RCR (Criminal) 191.***

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the



petitioner.

- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

29.8.2025
Ashwanii

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