



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-29343-2025
Decided on : 07.07.2025

Kala Singh . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Aajeshwar Singh Grewal, Advocate
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, 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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Kala Singh	67	07.04.2025	111 of BNS, 2023	Talwandi Sabo	Bathinda

2. Learned counsel for the petitioner, *inter alia*, contends that the present FIR has been registered solely on the basis of alleged secret information, without there being any actual incident or direct involvement of the petitioner substantiated. It is argued that the only allegation against the petitioner is that he was dealing in intoxicating products along with other named accused persons.

Besides, there are allegations of involvement in crimes committed with deadly weapons. As per FIR, on the alleged date of incident,



all the accused persons, namely Lovedeep Singh @ Labhi, Polas, Resham Singh @ Reshu, and Kala Singh (petitioner herein), were purportedly in the process of looting passers-by with deadly weapons.

3. Learned counsel for the petitioner further submits that even after registration of the FIR, only a *danda* (stick) has been shown to have been recovered from the possession of the petitioner. Therefore, it is argued that petitioner cannot be termed an accused involved in organized crime with deadly weapons, nor can the offences relating to organized crime be attracted against him.

It is also submitted that the petitioner has been in custody since 07.04.2025, i.e., for more than three months, and after completion of investigation, challan has already been submitted before the trial Court. Hence, his further incarceration will not serve any meaningful purpose for the prosecution.

Learned counsel, thus, prays for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel, while opposing the prayer for bail, submits that the petitioner is also involved in another case, i.e., FIR No.171, dated 29.08.2021, under Sections 457 and 380 of IPC, registered at Police Station Talwandi Sabo, which reflects his criminal antecedents, and therefore, he does not deserve the concession of bail.

However, upon being queried by this Court, learned State counsel fairly concedes that the process of recording the statements of prosecution witnesses has not yet commenced and, at this stage, he is not in a position to specifically controvert the other factual submissions made on behalf of the petitioner in the present petition.



5. On hearing learned counsel for the respective parties and going the relevant material available on record, I deem it appropriate to consider the issue of personal liberty of the petitioner, because, applicability of the provision of Section 111 of BNS, 2023, is yet to be established by the prosecution by leading unimpeachable and admissible evidence.

6. Consequently, without making any comments over the merits of the case, the prayer for bail of the petitioner 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.

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

8. The observation made here-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

July 07, 2025

J.Ram

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No