



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29494-2025 (O&M)
Date of decision: 01.07.2025

Kashmir Singh
... Petitioner
Versus
State of Punjab
... Respondents

CORAM: HON’BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Amit Arora, Advocate,
for the petitioner.
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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Kashmir Singh	302	29.12.2023	307, 336, 34 IPC, Section 25 Arms Act	Kotwal Kapurthala	Kapurthala

2. Learned counsel for the petitioner refers to the order dated 25.02.2025, an order of bail passed by this Court qua Balwinder Singh in CRM-M-64992-2024, who is co-accused of the present petitioner. Relevant facts and submissions recorded therein are reproduced hereunder also for reference:



2. Learned counsel for the petitioner argued that FIR in the present case was registered on 29.12.2023 and name of the petitioner was involved at the instance of complainant only on the basis of doubt after a period of nine months i.e. 10.10.2024 and since then petitioner is in custody. As per allegations levelled by the complainant, he had received a threatening call on his whatsapp from +351920343654 and regarding which FIR No. 271 dated 14.11.2023, under Sections 387 and 506 IPC was registered at Police Station Kotwali, Kapurthala. Counsel submits that in the said case, petitioner is already on bail. Further submits that petitioner has been involved in the present case regarding an incident dated 28.12.2023 and there is no connecting evidence with the prosecution to establish that on 10.10.2024 any threatening call was received by the complainant and that too at the instance of the present petitioner.

3. Learned State counsel has filed status report by way of affidavit of Deep Karan Singh, PPS, Deputy Superintendent of Police, Sub Division, Kapurthala, in the Court. Same is taken on record. On being asked by the Court, learned State counsel informs that no such mobile phone has been recovered from the possession of the petitioner to ascertain the allegations which was pertaining to the incident dated 10.10.2024. Learned State counsel also submits that petitioner is involved in two more cases, which are mentioned in paragraph no.10 of the Status report. For reference, same is reproduced herebelow:

***“1. FIR No.271 dated 14.11.2023, u/s 387, 506 IPC,
registered at Police Station Kotwali, Kapurthala***



2. FIR No.145 dated 24.10.2020, u/s 379 IPC and 21 of Minning Act, registered at Police Station Fattudhinga, Kapurthala.”

4. I have considered the submissions and examined the record, out of two other cases registered against the petitioner, one was registered at the instance of complainant with regard to the issuance of threat and as per the statement of learned State counsel no such mobile was recovered from the possession of the petitioner, therefore, it would be a moot question before the Investigating agency or the prosecution agency to produce connecting evidence to prove allegations accruing through FIR No. 271 dated 14.11.2023. Another case i.e. FIR No. 145 dated 24.10.2020, is in regard to the committing of theft of the sand and petitioner is stated to be on bail in the said case. Therefore, this Court does not find any special reason to keep the present petitioner inside jail for indefinite period.

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

3. Continuing the submissions, learned counsel for the petitioner argues that name of petitioner was involved in the instant case only on the basis of disclosure statement of co-accused, namely, Balwinder Singh, who has already been granted concession of bail by this Court. Except of the disclosure statement, by which it has been projected that the petitioner was also present on spot at the time of incident of firing at the door of the house of the complainant, there is no substantive evidence available with the prosecution. Further arguing that solely on the basis of weak evidence that is



a disclosure statement of a co-accused, he submits that it would be very hard for the prosecution to prove the charges against the petitioner. Thus, learned counsel submits that he is on better footing than the nominated accused (in the supplementary statement) and, therefore, deserves the concession of bail, also for the reasons that the petitioner is inside jail since 02.12.2024.

4. On the other hand, while opposing the prayer for bail, Mr. Manjinder S. Bhullar, learned Deputy Advocate General, Punjab, argues that petitioner is a member of a gang, operating in the State of Punjab, which is allegedly involved in demanding huge amount of extortion by using fake mobile numbers. It is further informed that challan has already been submitted on 09.01.2024. However, the process of recording of prosecution evidence is yet to commence.

5. Taking note of all the circumstances, and primarily for the reason that the petitioner stands on a better footing than co-accused Balwinder Singh, who has already been granted the concession of bail, I deem it appropriate to grant the concession of bail to the petitioner.

6. 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.



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 hereinabove 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

01.07.2025
Rajan

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