



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

247

**CRM-M No.40114 of 2025
Date of decision : 01.8.2025**

Princepal Singh @ Prince**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. P.S. Bhinder, Advocate, for the petitioner
Mr. Baljinder Singh Sra, Addl. AG, Punjab

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.187 dated 24.8.2024, under Sections 109, 115(2), 126(2), 351(3), 191(2) and 190 of Bharatiya Nyaya Sanhita, 2023 and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Patran, District Patiala.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'At this time, it is recorded that statement of Jagvir Singh son of Gurtej Singh resident of Village Hamjheri, Police Station Patran, District Patiala, aged about 28 years, Mobile No. 98152-59931 recorded by SI Karnail Singh 101, Incharge, Police Post City Patran, has been received in Police Station through Constable Malkeet Ram 3590 for the purpose of registration of case against Prince resident of Shutrana, David resident of



Molviwala and 6-7 other unknown persons under Sections 109, 115(2), 126(2), 351(3) 191(2), 190 BNS, 25-27/54/59 of Arms Act, the contents whereof are as follows: Stated that I am resident of above address and serving in Army as Lance Naik. I have come on leave. On 15.08.2024 in evening time, I had come with my family to see the Fair held at Patran Mandi, where Prince resident of Shutrana, David resident of Molviwala and 6-7 other unknown persons had also come to see the fair. They started making inappropriate comments upon me and my family. Due to the same, there undertook lot of arguments between me and them. Today, on 23.08.2024, I had come to Patran for my domestic work in my Car no. PB 11 DB 0749 Make-Swift, where Prince resident of Shutrana and David resident of Molviwala alongwith four unknown persons were standing at Jakhal Road on two motor cycles. Seeing my vehicle, they started following me and when I saw them following me, I told this to my brother Jasvir Singh on phone and I got my vehicle down from the road at Gadda Stand, and the aforesaid persons passed towards Bhagat Singh Chowk alongwith their motorcycles and I parked my vehicle at Gadda Stand Patra. It would be around 6:30 PM, when Prince resident of Shutrana, David resident of Molviwala and 6-7 other unknown persons, on two vehicles, came towards me. Prince resident of Shutrana was armed with gandasi and David resident of Molviwala was armed with Iron Khapra and the remaining unknown persons were armed with wooden sticks. All the above-mentioned persons encircled me and started beating me. Prince resident of Shutrana hit me on the elbow of my left arm with gandasi in his hand, and David resident of Molviwala hit me on the thumb of my right hand with the iron khapra in his hand and resultantly, my blood started flowing and the remaining unknown persons hit me on my back with the wooden sticks in their hands, and an unknown person who had a pistol, aimed the pistol directly at me with an intention to kill me, which passed from the side of my head. These persons threw me down and gave me feet blows. In the meantime, people gathered there and my brother Jasvir Singh also came at the spot. Seeing the gathering, all these people ran away from the spot with their weapons and while going, they were threatening me by saying that "today, you have survived, if we will see you some day, we will kill you." Then my brother put me in a car and admitted me in Civil Hospital Patran for treatment, where the doctor referred me to Civil Hospital Samana after giving me first aid. We did not go to Civil



Hospital Samana due to odd time. I alongwith my brother Jasvir Singh was coming to you at Police Post City Patran for informing the incident; however, you alongwith police party have met at Bhagat Singh Chowk Patran, where I have got recorded my statement to you in the presence of my brother Jasvir Singh, which has been heard and the same is correct. There is threat to my life and property from the above mentioned persons. Appropriate legal action be taken against them. The reason of grudge is that argument of these persons with me had taken place on 15.08.2024. The above mentioned persons were nursing grudge against me. For the said reason, they attacked me with an intention to kill me. Sd/ Jagvir Singh. The above statement is confirmed by Sd/- Jasvir Singh.'

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that there was a misunderstanding between the parties on account of which a scuffle took place. Learned counsel has further argued that ingredients of offence under Section 307 IPC is not made out against the petitioner from the factual *milieu* of the case. Learned counsel has further argued that PW Jasvir Singh (brother of FIR-complainant) has turned hostile and the injured-complainant Jagvir Singh has also sworn an affidavit dated 26.2.2025 stating that a settlement has been arrived at between the parties (copy whereof has been appended as Annexure P-2 alongwith the present petition). 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 30.7.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the



available records of the case.

6. The petitioner is in custody since 24.9.2024 and the culmination of the trial will take its own time. The rival contention raised by learned counsel for the parties give rise to debatable issues, including as to whether the offence of Section 307 IPC is made out in the factual matrix of the case, the weightage/veracity required to be attached to the hostile witness Jasvir Singh as also the weightage/veracity required to be attached to the affidavit dated 26.2.2025 (copy whereof has been appended as Annexure P-2 alongwith present petition), stated to have been sworn in by the injured-complainant; shall be gone into 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 30.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 10 months and 10 days. As per the said custody certificate, the petitioner is stated to be involved in another FIR under the Excise Act. 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.

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.

(SUMEET GOEL)
JUDGE

01.8.2025
Ashwani

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