



CRM-M-41034-2025 (O&M)

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

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CRM-M-41034-2025 (O&M)

Reserved on : 16.09.2025

Pronounced on : 19.09.2025

Balvir Singh @Happy

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Neeraj Sansaniwal, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J.

1. This is first petition filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for bail in a case arising out of FIR No.100 dated 19.10.2024 under Sections 115(2), 331(6), and 307 of the Bharatiya Nyaya Sanhita, 2023, Police Station Kiratpur Sahib, District Rupnagar. The application for bail filed by the petitioner before the Court of learned Additional Sessions Judge, Rupnagar has been dismissed vide order dated 08.04.2025. The petitioner is in custody, and craving for bail.

2. Succinctly the facts emerging from record are that the abovementioned FIR came into being on the basis of statement recorded by Surinder Singh, hereinafter being referred to as 'complainant' only. In the abovementioned complaint, it was stated by the complainant that in the intervening night of 17/18th October, 2024 at about 01:00 am, when he was



sleeping in Rocky Dhaba, Bunga Sahib and his son Amit Thakur was managing counter of the Dhaba, three unknown individuals, with muffled faces, came there, entered the Dhaba, opened the cash box and picked-up cash from the box. According to complainant, thereafter the above-named assailants asked his son Amit Thakur to handover the keys of his bullet motorcycle and when Amit Thakur refused, they attacked Amit Thakur and hit him on his head with iron pipe.

3. The complainant further alleged that when he heard commotion, he came out and noticed that two assailants, who were holding axe in their hands, inflicted injury on the left hand of Amit Thakur and when he (complainant) tried to rescue his son, he, too, came under attack and suffered injuries on his right hand. As per complainant, thereafter third assailant hit him with the help of iron pipe. According to complainant, when they were facing the abovementioned attack, his wife Geeta Devi also came on the spot and she, too, was attacked by the assailants with iron pipe, and she, too, suffered injuries on her head.

4. In addition to above, it was also alleged by the complainant that, when the abovementioned attack was going on, the cover of one of the assailants fell down and he was able to identify him as Gurmeet Singh @Anna, S/o Rajinder Singh, R/o Village Hardo Haripur, Police Station Kiratpur Sahib, a bad element in the locality. As per complainant, the above-named Gurmeet Singh along with his two unknown accomplices fled from the spot. It is the case of the prosecution that, on the basis of abovementioned complaint formal FIR of this case was lodged and the



investigation taken place. As per prosecution, during the course of investigation, the accused Gurmeet Singh was arrested on 20.10.2024 and on interrogation, he disclosed the name of present petitioner and therefore, on the basis of abovesaid disclosure statement of Gurmeet Singh, the present petitioner was arrested on 28.12.2024.

5. Heard.

6. It has been argued by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case, and that whatever the evidence has been collected against the petitioner, that is inadmissible in evidence being a disclosure statement of co-accused recorded in police custody. The learned counsel for the petitioner has also argued that otherwise also, the petitioner has already suffered sufficient incarceration for being in custody for a period of more than eight and half months, and that the trial is not likely to be concluded in near future and therefore, the petitioner is entitled for the benefit of bail.

7. *Per contra*, learned State Counsel, while referring to the contents of custody certificate, has argued that the petitioner has a criminal history, and that he is facing prosecution in more than 8 cases. According to learned State Counsel, if released on bail, there is every likelihood that he will indulge in criminal activity. As per learned State Counsel, otherwise also, the offence allegedly committed by the petitioner is grievous in nature, and that the weapon of offence recovered from the possession of petitioner connects him with the commission of offence, and therefore, the petitioner is not entitled for the benefit of bail.



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8. The record has been perused carefully.

9. In view of the peculiar facts and circumstances of the present case, following are the factors which are required to be taken into consideration for the decision of present bail application:-

- a) that the petitioner is already in custody for a period of 8 months and 20 days;
- b) that the injured has already recovered and discharged from hospital;
- c) that investigation in this case is already complete and therefore, nothing is left to be recovered from the possession of petitioner;
- d) that the trial is not likely to be concluded in near future;
- e) that detention of the petitioner in judicial lockup is not likely to serve any purpose; and
- f) that there is nothing on record to show that if released on bail, the petitioner may influence the witnesses.

10. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is entitled for the benefit of bail.

11. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed, and the petitioner is hereby ordered to be released on bail on his furnishing bail bonds to the satisfaction of the learned trial Court subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with



the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned trial Court.
- (vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

12. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

SEPTEMBER 19, 2025
Gaurav Thakur

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