



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

207

CRM-M No.71882 of 2025

Date of decision : 24.12.2025

Date of uploading : 24.12.2025

Balkar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rakesh Kumar Kachura, 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.110 dated 15.11.2025 under Sections 109, 115(2), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Amir Khas, District Fazilka.
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 Prakash Singh, Singh, resident of Pire Ke Uttar, Police Station Ameer Khas, age about 25 years, Mobile No. 88031-66661, stated that: "I am a resident of the above-mentioned address and I am 10th passed out and do agricultural work. On 25-10-2025, at about 8:30 PM, I was standing on the village phirni in front of the house of my uncle (Chacha) Mukhtiar Singh, and I was conversing with my uncles Mukhtiar Singh, Dharam Singh, and Chann Singh, when a car bearing registration



number PB-01-D-3017, Alto, which was being driven by Iqbal Singh, and his brother Aman was sitting on the conductor seat, and on the rear seat Balwinder Singh, son of Mukhtiar Singh, Bovi Singh, son of Sham Singh, and Ashok Singh, son of Sher Singh, residents of Bodal Pire Ke, came. Prior to this car, a motorcycle driven by Balkar Singh son of Makhan Singh, resident of Bodal Pire Ke, passed near us, and he, by raising his voice and by gestures, told the occupants of the car that 'these are the persons sitting here who cut our paddy crop', whereupon Iqbal Singh accelerated the Alto car at high speed and drove it straight towards us. The persons standing with me moved aside, and the car struck me directly, due to which I sustained a severe injury on my right feet from the front tyre of the car. Other persons from my family raised cries of 'maar-ta-maar-ta'. On hearing the hue and cry, the car driver Iqbal Singh tried to speed away, whereupon his car again struck the main gate of the house, and thereafter he reversed the car and tried to run it over me. Seeing the gathering of people, Balkar Singh, along with the motorcycle, Iqbal Singh along with the car, and the other persons accompanying them, while raising lalkaras, abusing, and brandishing sticks and sharp-edged weapons, left the spot. Iqbal Singh drove the car into me with the intention to kill me.

Therefore, legal action be taken against all these persons. for motive The intentionally driving the car into me with the intention to kill is that they want to forcibly encroach upon our owned land. When we opposed the encroachment, all of them, in connivance with each other, caused injuries to me with the intention to kill me. Due to the injuries, my relatives got me admitted to Civil Hospital Jalalabad. After being discharged by the doctor, I am resting on bed at my home. Te statement has been written and read over to me and is correct.

Signatures: Prakash Singh.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 19.11.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, assuming *arguendo*, the prosecution version available at this juncture is taken to be correct, the



petitioner was neither driving nor sitting in the car in question, which was allegedly caused injury to the injured/victim. Learned counsel has further submitted that the petitioner is a man aged 64 years not keeping very good health. 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 23.12.2025 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 was arrested on 19.11.2025 and is in continuous custody since then. Culmination of investigation as also the trial emanating therefrom, in case occasion so arises, will take long 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.

As per custody certificate dated 23.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 month and 3 days. As per the said custody certificate, the petitioner is stated to be involved in 3 more cases/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/Illaq 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

24.12.2025
Ashwani

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