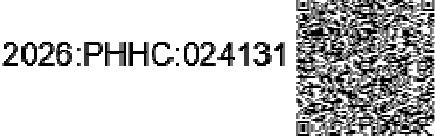


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-3711-2026

Jagseer @ Jagsir Singh @ Laddi
.....Petitioner
Versus
State of Punjab
...Respondent

Date of Decision: February 17, 2026
Date of Uploading: February 17, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sparsh Chhibber, Advocate for the petitioner.
Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (ORAL)

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 bearing FIR No.130 dated 11.12.2024, registered for the
offences punishable under Sections 109 and 351(3) of the BNS, 2023 and
Section 25 of the Arms Act, 1959 (Section 103 of the BNS added later on)
(charges framed under Sections 103, 109, 351(3), 238, 3(5) of the BNS and
under Section 25 of the Arms Act), at Police Station Chhajali, District Sangrur.

2. The gravamen of the FIR in question is that complainant, namely,
Beant Singh, stated that on 10.12.2024 at approximately 7:30 PM, he had gone
to Roza Patti to purchase household goods. Gagandeep Singh, son of Hardev
Singh, was accompanying him. Both of them were standing outside the house
of Gagandeep Singh when Jagseer Singh @ Laddi (*petitioner herein*),

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Lakhwinder Singh @ Kundri, Raja Singh, along with one unknown person stated to be a relative of Raja Singh, arrived there.

Jagseer Singh @ Laddi (*petitioner herein*) was armed with a baseball bat, and Lakhwinder Singh @ Kundri was armed with a pistol. Lakhwinder Singh initially inflicted a blow with the baseball bat on Gagandeep Singh, while Jagseer Singh (*petitioner herein*) grappled with him. Thereafter, Lakhwinder Singh @ Kundri fired a shot from his pistol towards the complainant with the intention to kill him. The bullet grazed his hand and struck the left side of his abdomen, causing him to fall to the ground. Upon raising an alarm, local residents gathered at the spot. Taking advantage of the gathering crowd, the accused persons fled from the scene. Gagandeep Singh arranged a vehicle and took the complainant to Government Hospital, Sunam, where he was administered first aid and subsequently referred to Rajindra Hospital for further treatment. However, considering his critical condition, his family members got him admitted to Vinayak Hospital, Sunam, where he is presently undergoing treatment. On the statement of complainant – Beant Singh, FIR was registered, initially, under Section 109, 351(3) BNS and 25 Arms Act. During investigation, complainant (Beant Singh @ Gaggi) died on 30.12.2024 and offence under Section 103 of BNS was added, vide DDR No.02 dated 30.12.2024.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 11.12.2024. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that assuming *arguendo*, the prosecution version is taken to be correct, the role ascribed to the petitioner is that of giving a baseball bat injury, whereas, fire shot that killed the deceased is attributed to one Lakhwinder Singh. Learned

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counsel has further argued that even no motive is attributed to the petitioner, but to co-accused, namely, Lakhwinder Singh. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 01 year. Thus, regular bail is prayed for.

4. Learned State counsel has filed reply by way of an affidavit dated 16.02.2026 and also custody certificate dated 16.02.2026, in the Court today, which are taken on record. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 11.12.2024, whereinafter investigation was carried out and challan has been presented on 15.02.2025. Total 30 prosecution witnesses have been cited, out of which, none has been examined till date.

At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not

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oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

The rival contention raised at Bar give rise to debatable issues, which shall essentially 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.

6.1. As per custody certificate dated 16.02.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 02 months and 03 days, & is not shown to be involved in any other FIR(s).

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, if not required in any other case, 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.

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- (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 cellphone 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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 17, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No