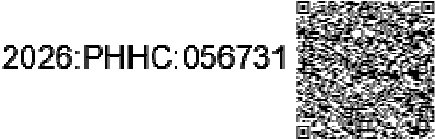


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4251-2026

Shubham Singh @ Shubham
.....Petitioner

Versus

State of Punjab
...Respondent

Date of Decision: April 16, 2026
Date of Uploading: April 16, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Amarjeet SIngh Prajapati, Advocate for the petitioner.
Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the BNSS, 2023 seeking grant of regular bail to the petitioner, in case FIR No.125 dated 26.07.2016, registered under Sections 302, 307, 148, 149, 120-B of IPC, 1860 and Section 25 of the Arms Act, 1959 (Sections 380, 411, 450 of IPC added later on), at Police Station Sadar Amritsar, District Amritsar.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Kulwant Singh, stated that on 25.07.2016 at about 9:15 p.m., he was present outside the *ahata* of his brother – Hardev Singh. At that time, Shubham (*petitioner herein*) and Rohit, along with their associate Tinku Bangali, Bunny, Shubham’s cousin Sawan, Amit Sharma alias Sabi, Ravi, Likhani, and 2–3 other unidentified persons, arrived there. They were

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armed with rifles and pistols and came in one car carrying about 5–6 persons and one motorcycle carrying two persons.

Upon reaching the spot, they inquired about the sons of Hardev Singh. Hardev Singh replied that his sons had left the house. Thereafter, Shubham (*petitioner herein*), who was carrying a rifle on his left shoulder and a pistol in his right hand, fired a shot at Hardev Singh with the intention to kill him. The bullet struck Hardev Singh on the left side of his waist, just above the heart, causing him to fall to the ground while bleeding profusely. At that moment, Hardev Singh's servant, Raju, came forward to rescue him. Shubham fired another shot at Raju, which hit him in the abdomen. Both injured persons were taken to the hospital, where Hardev Singh was declared dead upon arrival, and Raju later succumbed to his injuries during treatment.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 06.08.2016. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that prime prosecution witnesses already stand examined. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 07 years. Thus, regular bail is prayed for.

4. Short reply by way of an affidavit dated 08.03.2026 has been filed by the State. Raising submissions in tandem with the said short reply, 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. Learned State

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counsel seeks to place on record the custody certificate dated 15.04.2026, in the Court today, 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 06.08.2016 *qua* FIR in question and is stated to be in continuous custody, in the present FIR, since then. Upon culmination of investigation, challan was has been presented on 03.11.2016. Total 38 prosecution witnesses have been cited and it is not in dispute before this Court that out of said witnesses, only 31 prosecution witnesses stand examined and 05 have been given up till date. It is further not in dispute before this Court that prime prosecution witnesses have been recorded. Keeping in view the entirety of factual *milieu* of the case in hand; especially, the petitioner having suffered incarceration, as an undertrial, for more than 07 years, this Court is inclined to affirmatively consider the petition in hand. 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 15.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 07 years, 10 months and 04 days.

6.2. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). However, this factum cannot be a

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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, 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.
- (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.

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- (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

April 16, 2026
mahavir

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