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

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Date of decision : 10.02.2026

Date of uploading : 10.02.2026

Amanat Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

Mr. Baljinder Singh Sra, Addl. AG, Punjab.

Mr. Gaurav Kalsi, Advocate for the complainant.

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.50 dated 24.02.2020 under Sections 302, 341, 120-B, 148, 149 of the IPC and Sections 25, 27 and 29 of Arms Act, registered at Police Station Sadar Tarn Taran, District Tarn Taran.
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 Palwinder Kaur wife of Baldev Singh son of Jagtar Singh, resident of Bakipur, Police Station Sadar Tarn Taran, aged about 43 years, Phone No.62806-50502. Stated that I am resident of above mentioned address and I am a house wife. I live with my family in City Tarn Taran. Today dated 24.02.2020, I alongwith my husband Baldev Singh, father Nachhattar Singh, daughter Karanbir Kaur had gone to village Kot Jaspat to attend a marriage of relative. After getting free from Shagun rituals, my husband said that I will go for round in the wheat fields because farm house of my father-in-law was in front, regarding



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which our cases are pending. Time was around 3.15 PM that my husband left to check the wheat sown by him, we also started walking behind husband my Baldev Singh. My husband was walking at a distance of 1-1½ acres ahead of us then by that time from the side of farm house of my brother-in-law (Jeth) Sukhdev Singh, my brother-in-law Sukhdev Singh son of Jagtar Singh armed with gun, Manjinder Singh son of Sukhdev Singh armed with pistol, Amanat Singh son of Sukhdev Singh armed with pistol, Ranjit Kaur wife of Sukhdev Singh armed with baseball, Kuldeep Singh son of Gurdial Singh armed with gun, residents of Kot Jaspat and Kashmir Singh son of Kartar Singh resident of Kaad Gill armed with gun, Hoshiar Singh son of Makhtool Singh resident of Beas armed with gun walked towards my husband in hasty manner. My father-in-law who was standing at the corner of his house, was gesturing towards Baldev Singh. Then above mentioned Sukhdev Singh etc, gathered around my husband Baldev Singh, then Ranjit Kaur pointed towards metalled side of road, from where one Balero car No. PB 14-C-4477 came from which 8/9 Unknown persons came who had muffled faces whom I can recognize if they come in front of me who were armed with guns and pistol. Then while I and my father Nachattar Singh were watching, Ranjit Kaur above mentioned raised an exhortation and said catch him, teach a lesson to Baldev Singh for asking of land from us. Then by that time, Sukhdev Singh, Amanat Singh, Manjinder Singh, Kashmir Singh, Kuldeep Singh, and Hoshiar Singh started firing gunshots at my husband Baldev Singh with their hand held weapons. Unknown persons caught hold and dragged my husband from hair. Ranjit Kaur hit my husband with Baseball while he was lying down, unknown person gave blows with butts of guns and above-mentioned persons killed my husband at the spot by firing gunshots. I and my father Nachhattar Singh raised hue and cry saying 'save us, save us'. Then above-mentioned accused along with the persons (accused) who came on Bolero fled from the spot and I and my father after arranging for a vehicle brought my husband Baldev Singh to civil Hospital Tarn Taran, where my brother Jatinder Singh son of Nachattar Singh resident of Ban also came. That Doctor after checking my husband Baldev Singh declared him dead. That Sukhdev Singh etc. were having weapons out of which some were licensed weapons of my father-in-law Jagtar Singh. Reason of grudge is that my father-in-law had transferred the whole land in the name of my brother-in-law Sukhdev Singh. My husband asked for his share from Sukhdev Singh, Jagtar Singh. Above-mentioned accused in connivance with each other with the intention not to give my husband his share have killed my husband by firing gunshots. Justice be granted to me by taking action against them. Sd/- Palwinder. Kaur, verified sd/- Manoj Kumar Inspector, S.H.O. Police Station Sadar Tarn Taran dated 24.02.2020."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 7.12.2020. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the petitioner (herein) is alleged to have fired a pistol shot at the deceased; however, neither the pistol has been recovered nor has any bullet been recovered from the body of the deceased. Learned counsel further submits that no empty cartridge of the



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pistol has been recovered from the spot. It is further submitted that the petitioner has suffered incarceration for more than 4 years. Learned counsel also submits that the prime private prosecution witnesses already stand recorded. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record custody certificate dated 09.02.2026 in Court, which is taken on record.

4.1. Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner by arguing that the allegations raised against the petitioner are direct/serious in nature. Learned counsel has further submitted that the petitioner was earlier declared a proclaimed offender and there is all the likelihood that he may flee from the process of justice, in case he is accorded regular bail. Learned counsel has further submitted that there is accentuated threat perception to the complainant side in case the petitioner is released on bail.

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

6. The petitioner had surrendered before the trial Court on 07.12.2020, whereinafter investigation was carried out and challan qua him was presented on 27.05.2021. It is clear from the State reply that total 43 prosecution witnesses have been cited, out of which 23 have been examined. It is not in dispute before this Court that all private witnesses stands examined. It is not in dispute that the petitioner has suffered incarceration for more that 4 years. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in *Criminal Appeal No.2787 of 2024* titled as *Javed Gulam Nabi Shaikh vs. State of*



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Maharashtra and another, decided on 03.07.2024; relevant whereof reads as under:-

“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 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.”

6.1 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.

6.2 As per custody certificate dated 09.02.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 years 11 months and 11 days & is shown to be involved in four other cases. As per the said custody certificate, the petitioner is stated to be involved in 4 more cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition

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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

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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 the FIR-complainant/other witnesses find any tangible threat to them from the petitioner, upon his releasing on bail, they shall be at liberty to apply for security to the concerned SSP. In case any said plea raised by the complainant-side by filing appropriate application, the concerned SSP shall take a ratiocinated decision thereupon within three working days from filing of such application.

8.1 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

10.02.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No