



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

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CRM-M No.10000 of 2026 (O & M)

Date of decision : 9.4.2026

Date of uploading : 9.4.2026

Balkar Singh alias Bantu

.....Petitioner

Versus**State of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.S. Nahel, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, 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 bearing FIR No.34 dated 17.7.2023, registered for the offences punishable under Sections 302, 323, 324, 148 and 149 of IPC (Sections 307, 427, 120-B of IPC added later on), registered at Police Station Dharamgarh, District Sangrur.
2. The gravamen of the allegations against the petitioner is that the complainant Balvir Kaur, wife of Rajwinder Singh @ Raju, son of Sukhdev Singh, resident of Maidebas, made a statement before the police on 16.07.2023 stating that she was married to Rajwinder Singh about 11 years ago, and out of their wedlock, a male child namely Tanvir Singh, aged about 9 years, was born. She stated that her husband Rajwinder



Singh was the elder brother, while Kala Singh was his younger brother, and both were agriculturists. On 16.07.2023, in connection with some household work, her husband and brother-in-law had gone in their car bearing registration number PB-08-AK-4281. At about 5:30 p.m., when they returned and reached near their house, the complainant came out to open the gate on hearing the horn of the car. At that time, her husband Rajwinder Singh was driving the car and his brother Kala Singh was sitting on the front passenger seat. Suddenly, their neighbours, namely Gurtej Singh son of Jaggar Singh, armed with a kirpan (sword); Kulwinder Singh @ Sunny son of Gurtej Singh, armed with a kirch; Gurwinder Singh son of Gurtej Singh, armed with a kirpan; Happy, armed with a kirpan; Bantu (petitioner herein), armed with a kirch; along with 5–6 other unknown persons, all armed with sharp-edged weapons, attacked her husband and brother-in-law while they were still seated in the car. The assailants forcibly pulled both of them out of the vehicle and, with the intention to kill them, inflicted multiple blows with sharp-edged weapons on Rajwinder Singh @ Raju and Kala Singh. Both victims, profusely bleeding, fell to the ground.

Upon raising alarm and seeing people gathering at the spot, the assailants fled away along with their respective weapons. The complainant with the help of the persons present there, arranged a vehicle and shifted her husband and brother-in-law to Civil Hospital, Sunam. However, her husband Rajwinder Singh @ Raju succumbed to his injuries on the way, and his dead body was kept in the mortuary at Sunam. Due to



the serious injuries suffered by Kala Singh, he was referred to Rajindra Hospital, Patiala. She further stated that the motive behind the occurrence was a prior dispute. Earlier, a fight had taken place between her family and the family of Gurtej Singh, and on the night of 15.07.2023, a quarrel had again occurred between her husband, her brother- in-law, and Gurtej Singh and others. Due to this existing enmity, the accused persons murdered her husband and caused serious injuries to Kala Singh with the intention to kill him.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 17.7.2023. 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 is in custody for more than 2 years and 8 months and prime private prosecution witnesses, namely, Kala Singh and Balvir Kaur stand examined. Learned counsel has further iterated that the petitioner is a man with clean antecedents. 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 8.4.2026 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 17.7.2023 whereinafter, the



investigation was carried out and the challan has been presented on 12.10.2023. Total 23 prosecution witnesses have been cited, out of which, only 5 have been examined till date. At this juncture, 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 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 It is not in dispute that private witness, namely, PW-Kala Singh (injured) and PW-Balvir Kaur (FIR-complainant) already stand examined. The rival contentions raised at Bar 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 8.4.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 8 months and 17 days & is not shown to be involved in any other case.

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.
- 11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

9.4.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No