

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

2026:PHHC:042292



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CRM-M-12261-2026

Date of decision: 18.03.2026

Date of uploading: 18.03.2026

Onkar Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Jagdish Singh Mahal, Advocate for the petitioner(s).

Mr. Hemant Aggarwal, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS 2023 for grant of regular bail to the petitioner in case bearing FIR No.0155 dated 14.06.2025, registered for the offences punishable under Sections 109, 118(2), 115(2), 190, 191(3) of BNS 2023 (Section 103 of BNS 2023 added later on), at Police Station Dinanagar, District Gurdaspur.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Sudesh Kumar son of Tilak Raj, resident of Abal Khair, aged about 45 years, mobile no.8549-24379, stated that I am resident of abovesaid address and is labourer. That on 13.06.2025, I and my brother Gagandeep son of Tilak Raj with me on my motorcycle no. PB-06BG-6261 Splender went to fetch milk at Adda Sainpur that time was about 08:25 PM that my brother Gagandeep was purchasing milk from Nav Dairy and I was standing slightly back on motorcycle. In the meantime two vehicle came from which 7/8 persons alongwith weapons came

from whom three persons alighted from one car from one Onkar Singh son of Sawaran Singh resident of Dharo Chak armed with baseball whom I already know, one unknown hair cut person with muffled face armed dattar, one unknown turbaned person whom I can recognize on confront armed with dattar came on dairy. On coming they started inflicting injureis with their respective weapons to Navjot Singh son of Nirmal Singh, resident of Kharal, who is owner of Nav Dairy and in the meantime young turban person with the intention to kill gave blow on head of my brother Gagandeep Singh, due to which my brother fell on ground and blood started oozing heavily. Persons who were sitting in second vehicle on road they started rasing noises to kill Navjot abovesaid and Gagandeep abovesaid and they may not left spare. Then I alongwith other persons standing raised nosies mardita mardita. Then abovesaid assailants alongwith their respective weapons fled away. This whole occurrence is eyewitnessed by me, after hearing noises my brother Suresh Kumar who is running shop of RMP doctor nearby Adda Abal Khair came at spot with whose help I got admitted my brother Gagandeep at Abrol Hospital Gurdaspur. Due to greivous injury on the head of Gagandeep, he is unconscious and is under treatment. I am aggrieved. Legal action be taken against abovesaid assailants. Bone of contention is that due to old quarrel. Statement recorded, heard, is correct.”

3. Learned counsel appearing for the petitioner has argued that the petitioner is in custody since 01.07.2025. Learned counsel appearing for the petitioner has further contended that the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further submitted that prime prosecution witnesses namely Sudesh Kumar (FIR-complainant), PW-Navjot Singh @ Jonny, PW-Manpreet Singh and PW-Sanjeev Kumar have turned hostile and, thus, the trial is not likely to culminate into conviction. He has further contended 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 against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificates dated 17.03.2026 in Court, which are taken on record.

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

6. The petitioner was arrested on 01.07.2025 whereinafter investigation was carried out and challan was presented on 29.09.2025. Total 26 prosecution witnesses have been cited and it is not in dispute before this Court out of which only 5 have been examined till date. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof 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 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.”

The rival contentions of the learned counsel for the parties including the weightage required to be attached to the testimony of the hostile witnesses, shall be gone into during the course of the trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage lest it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

7. As per the custody certificate dated 17.03.2026 filed by the learned State counsel, the petitioner has suffered incarceration for 8 months & 16 days and is not shown to be involved in any other FIR/case.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

8. In view of above, the petition in hand is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. 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.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

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

(SUMEET GOEL)
JUDGE

March 18, 2026
Naveen

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