



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

214

CRM-M-14652-2026

Date of decision :11.05.2026

Date of uploading :11.05.2026

Bhalwinder Singh

.....Petitioner

Versus

State Of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Chetan Sehgal, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Addl. AG, 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 FIR No.307 dated 04.11.2025 under Sections 109, 103, 191(3), 190, 61(2), 111 of BNS and Sections 25, 54, 59 of Arms Act, registered at Police Station Samrala, District Ludhiana.

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 Dharmveer Singh @ Dharma son of Jarnail Singh resident of Manki PS Samrala District, Ludhiana approximate age 25 years Mobile No: 73473- 29186, "Stated that I am a resident of the above address and do the work of sale and purchase of cars. Yesterday, on 03.11.2025, I and my friends Gurwinder Singh S/O Rajinder Singh, Lovepreet Singh @ Laddu son of Manmohan Singh residents of Manki, were working as electricians due to a festival. We finished work around 9 o'clock and all three of us walked towards the bridge built on the canal on the Baghor road and sat there. It was around 9:10 PM when four individuals on



motorcycles arrived. Gurtej Singh @ Teji son of Harjit Singh resident of Chak Sarai PS Sadar Khanna, immediately fired a' pistol towards me with the intent to kill, which I dodged but the bullet hit in the stomach of my friend Gurwinder Singh s/o Rajinder Singh @Raju. The second shot was fired by Harkamal Singh @ Karan son of Balwinder Singh R/O Madpur towards me, hitting my left hip as I was running away.

Simmi resident of Balion shouted, saying, "Let's teach him a lesson for messing with Sandeep resident of Dialpura." I don't know the name of the fourth unknown person. I had an old enmity with them. Three years ago, they had also pointed a 12-bore rifle at my chest in the village Dialpura, and I escaped then. Now, with the support of Ravi resident of Rajgarh and Sandeep resident of Dialpura, they attacked us. Seeing a crowd gathering, they fled the scene with their vehicles and weapons. Then, with the help of villagers and my friend Lovepreet Singh Laddu son of Manmohan Singh R/O Manki, I was admitted to CH Samrala for treatment. The entire incident was witnessed by Lovepreet Singh @ Laddu, and some other villagers. Then, after providing first aid at CH Samrala, we were admitted to Government Medical College Hospital Sec 32 Chandigarh for treatment, where I am currently undergoing treatment. Gurtej Singh @ Teji, Harkamal Singh @ Karan, Simmi R/O Balion, and an unknown person, with the support of Sandeep Singh R/O Dialpura and Ravi resident of Rajgarh, attacked us with the intent to kill, seriously injuring me and killing my friend Gurwinder Singh. Strict legal action should be taken against them. I have given my statement to you, read and understood, it is correct. SD/- Dharmveer Singh. Attested true copy/- Lovepreet Singh @ Laddu son of Manmohan Singh R/O Manki, Attested true copy/- Surinder Singh S/O Kulwant Singh R/O Manki 6284008465, Verified true copy/- Pavitar Singh SI Station House Officer, Police Station, Samrala Dated 04.11:2025. Police Action: ASI Avtar Chand 15/ Khanna, ASI Sukhwinder Singh 34/ Khanna, ASI Harjinder Singh 68/ Khanna, ASI Mukhtiar Singh 101/ Khanna, LC Pinder Kaur 36/550, along with SHO, were on government vehicle Scorpio No. PB 65 BG 6223, driven by ASI Gurdeep Singh 113/ Khanna, on patrol for checking suspicious persons/vehicles in the main chowk Samrala. At that time, Head Constable Munshi HC Harpreet Singh 263/ Khanna, Police Station Samrala, sent a memo No. 5659 dated 3.11.2025 regarding injured Dharmveer Singh son of Jarnail Singh resident of Manki and memo No. 5658 dated 03.11.2025 regarding deceased Gurwinder Singh son of Rajinder Singh resident of Manki, from Civil Hospital Samrala for referral. Regarding the memo, a memo No. 251101625 from Sector 32 Hospital Chandigarh regarding injured



Dharmveer Singh son of Jarnail Singh resident of Manki, Police Station Samrala, having sustained a gunshot wound, and a memo BROUGHT IN DEAD from Sector 32 Hospital Chandigarh regarding deceased Gurwinder Singh son of Rajinder Singh resident of Manki, were received and informed to me, SI/SHO. On this, I, SI/SHO, along with fellow officers, reached GMCH Sec-32 and obtained a written opinion from the doctor regarding the fitness of the injured Dharmveer Singh to give a statement. The doctor declared the injured/Dharmveer Singh fit to give a statement. Accordingly, the injured Dharmveer Singh gave his statement to me, SI/SHO. His statement was word-for-word, read. to him, and he acknowledged it as correct by signing it. The statement was attested true by Lovepreet Singh @ Laddu son of Manmohan Singh R/O Manki and Surinder Singh S/O Kulwant Singh R/O Manki, Police Station Samrala, District Ludhiana. I, SI/SHO, verified the statement. It was found that the offenses committed are under Sections 109, 103, 191(3), 190, 61(2) BNS, and 25-54- 59 Arms Act. Therefore, a case is registered under the aforementioned sections against Gurtej Singh @ Teji son of Harjit Singh resident of Chak Sarai PS. Sadar Khanna, Harkamal Singh @ Karan son of Balwinder Singh R/O Madpur Police Station Samrala, Simmi R/O Balion Police Station Samrala, Sandeep Singh R/O Dialpura Police Station Samrala, Ravi resident of Rajgarh Police Station Doraha, and one unknown person. The case number should be informed after registration. Special reports should be issued. Khanna DCR should be informed. I, SI/SHO, along with fellow officers, are engaged in the investigation. Signed/- Pavitar Singh SI Station House Officer, Police Station Samrala Dated 04.11.2025. Today at GMCH Sec-32 Hospital Chandigarh at 5:00 AM, upon receiving the above-mentioned statement, a case under the aforementioned sections has been registered against the accused Gurtej Singh @ Teji, Harkamal Singh @ Karan, Simmi, Sandeep Singh, Ravi, and an unknown person. The original statement and a copy of the FIR have been sent to the investigating officer through ASI Arinda for investigation. Special reports have been issued and sent to the Area Magistrate and senior officers by hand through C Harmanpreet Singh 408/ Khanna. Khanna DCR is being informed.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 04.11.2025. Learned counsel has further argued that the petitioner has been falsely implicated in the FIR in question primarily



on account of his being the father of co-accused, namely Harkanwal Singh, who is alleged to have fired the shot. Learned counsel has further submitted that, *assuming arguendo*, the prosecution version is taken to be correct, no specific role is attributed to the petitioner and the petitioner was not present at the spot where the murder had taken place. Thus, regular bail is prayed for.

4. Learned State counsel has filed reply/status report by way of affidavit dated 09.05.2026 in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Raising submissions in tandem with the said reply, 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 09.05.2026 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 04.11.2025 wherein after investigation was carried out and challan qua the petitioner stands presented on 30.01.2026. Total 48 prosecution witnesses have been cited but none has been examined till date. 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.”

It is not disputed that the petitioner was not present at the spot at the time of alleged occurrence. 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.

6.1 As per custody certificate dated 09.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 6 months & 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/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.

(SUMEET GOEL)
JUDGE

11.05.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No