



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

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**CRM-M No.20539 of 2026
Date of decision : 23.4.2026
Date of uploading : 24.4.2026**

Karam Singh @ Kalu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kushagra Mahajan, 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.147 dated 1.9.2023 under Sections 302 and 34 of the IPC, registered at Police Station Kamboj, District Amritsar Rural.
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 Kulwant Kaur, wife of the late Dilbagh Singh, residing of Village Jethuwal, District Amritsar, approximately 68 years old, mobile number 8968564148, stated that she I am resident of the above-mentioned address and a homemaker. I have three children: two daughters and one son. My elder daughter Kuldeep Kaur, and younger daughter Sarabjit Kaur, are both married. My son Bikram Singh also known as Bikka, is also married. Bikram Singh's first wife. passed away and they had three



daughters and one son Today, on 01.09.2023, around 8:00 PM, my son got into an argument with Karam Singh @ Kalu son of Bawa Singh, his brother Ghoga alias Sonu and Balwinder Singh alias Minta, son of Karam Singh, all residents of Village Jethuwal. The elders and respectables sent both parties home. At about 8.00 PM, I was standing near the gate of my house and my son was sitting on the wall in front of the house. At that moment, Karam Singh alias Kallu armed with Datar, Ghoga alias Sonu empty-handed, and Balwinder Singh alias Minta empty-handed. approached my son from the direction of their house and started verbally abusing him. Ghoga alias Sonu and Balwinder Singh then attacked my son in my presence. In my presence Karam Singh alias Kallu struck my son Bikram Singh alias Bikka on the left side of neck with his Datar. My son fell to the ground I shouted "Mar Ditta Mar Ditta" and all the accused fled the scene with their weapons. With the help of neighbors. I arranged for transport for my son and took him to Shri Guru Ram Dass Hospital, where the doctor declared my son dead. I was coming to you with my nephew Sunil Singh son of Kashmir Singh, resident of Jethuwal, to file this report but found you on the way. I request that strict action be taken against the murderers of my son. This is my statement, which I have heard and understood. Signed, Kulwant Kaur.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 3.9.2023. Relied upon the memo of parties in the petition in hand, learned counsel has further argued that the petitioner is a man aged 68 years. 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 7 months. Learned counsel has further submitted that the prime prosecution witnesses i.e. PW1-Kulwant Kaur (FIR-complainant) as also another prime witness, namely PW2-Sunil Singh have turned hostile, hence the trial will not culminate into conviction. 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 22.4.2026 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 3.9.2023 wherein after investigation was carried out; challan was prepared on 1.10.2023 and subsequently filed. Charges in the instant case were framed on 1.10.2024. Total 17 prosecution witnesses have been cited, out of which only 2 have been examined till date. It is thus indubitable that trial is procrastinating. 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.”

The rival contentions raised at Bar; including the weightage required to be attached to the above hostile witnesses; shall be gone 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 22.4.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 years, 7 months and 17 days. As per the said custody certificate, the petitioner is stated to be involved in 01 more FIR(s) registered under the Excise Act, 1961. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition 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 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.

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

(SUMEET GOEL)
JUDGE

23.4.2026
Ashwani

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