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

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Date of decision: 13.05.2026

Date of uploading: 13.05.2026

Prince Gill

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Sandeep Sharma, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail in cross-version registered vide G.D. Entry No.039 dated 26.10.2024 to FIR No.99 dated 21.08.2024, under Section 109, 3(5) of BNS and Sections 27, 54, 59 of Arms Act, 1959 (offence under Sections 191(3), 190 of BNS added later on, at Police Station Nakodar Sadar, District, Jalandhar Rural, Jalandhar, Punjab.

2. The gravamen of the allegations against the petitioner is that on 20.08.2024, around 8:00–8:30 P.M., complainant, namely Jatinder Kumar, along with Balkar Singh @ Balla and Gurbal Singh @ Gopa, was at a restaurant when a call was received from Tirath Singh, stating that he had suffered injuries in a fight at Uggi. The complainant informed Gurdit Singh @ Guri, and soon after, along with Kalu and Katta, they set out in Gurdit's Swift



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car. Tirath Singh later joined them at Kala Sanghia, and during the journey, they also spoke to Sukhwinder Singh @ Commando, who asked them to come to Uggi. On the way from Uggi to Rasulpur Kalan, they encountered Kulwinder Singh @ Kinda, Laddu (present petitioner), Jassu, Babbu, Money, and Gopi Bath, who were searching for Tirath Singh. Shortly thereafter, Commando, armed with a pistol and accompanied by three unknown youths, arrived on a motorcycle. Tirath Singh, also armed, was in the complainant's vehicle. Kulwinder Singh and his companions then attacked their car. In the melee, Gurdit Singh drove the vehicle over two assailants, and the car struck a wall. The attackers damaged the vehicle and fired shots, one of which injured the complainant. Both sides exchanged fire, during which the complainant sustained injuries and became semi-conscious. Eventually, they retreated and shifted the injured complainant to Civil Hospital, Jalandhar, and later to Shri Ram Neuro Hospital. It was subsequently learnt that Kulwinder Singh @ Kinda succumbed to firearm injuries during the incident. On these allegations, a cross-version case in question was registered.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 14.11.2024. Learned counsel has further submitted that the petitioner has been falsely implicated into the case in hand. Learned counsel has further argued that assuming *arguendo*, the prosecution version is taken to be correct, fire shot caused to the injured – Jatinder Kumar is by one Jaskaran Singh and not the petitioner. Learned counsel has further argued that said injured, namely, Jatinder Kumar has turned hostile when produced as prosecution witness. Thus, regular bail has been prayed for.



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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 12.05.2026 in Court, which is 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 14.11.2024 and is stated to be in custody since then. Investigation into the case in question was completed, whereinafter, investigation was carried out and challan was presented on 10.02.2025. Total 29 prosecution witnesses have been cited, out of which, only 01 has been examined till date. It is thus, indubitable that conclusion of the trial will take long time. The rival contentions raised at Bar give rise to debatable issues; including weightage required to be attached to the testimony of the hostile witness/ injured; shall be gone into 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 12.05.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 1 year 5 months and 26 days. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). 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

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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 cellphone 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.



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

(SUMEET GOEL)
JUDGE

13.05.2026

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