

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

225

2026.PHHC.079417



CRM-M No.27524 of 2026

Date of decision : 20.05.2026

Date of uploading : 20.05.2026

Malkit Singh @ Raja

.....Petitioner

Versus**State of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. J.S. Mahal, 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.140 dated 12.9.2025 registered for the offences punishable under Sections 103(1) and 333 of BNS, 2023 and Sections 25, 27 of the Arms Act, 1959 (Sections 58, 61(2), 249 of BNS added later on), at Police Station Sadar Batala, Police District Batala, District Gurdaspur.

2. The gravamen of the FIR in question is that complainant, namely, Sarabjit Kaur reported that her husband, Kulwant Singh, earns his livelihood by plying an e-rickshaw. They have four children—two sons and two daughters. Their elder son, Gurjinder Singh alias Raja Buttar, is currently lodged in Central Jail, Hoshiarpur, in connection with a murder case. Their youngest daughter, Nimrat Kaur, is a student.

On 12.09.2025, Kulwant Singh dropped Nimrat Kaur at her school. At around 11:00 a.m., Sarabjit Kaur was at home along with her husband and their daughter, Amandeep Kaur. When Kulwant Singh

opened the gate to step outside, two unidentified individuals were already present in the street on a motorcycle with their faces covered. One of them remained seated on the motorcycle while the other entered the house premises and asked Kulwant Singh whether the house belonged to Buttar and who his father was. Kulwant Singh replied that he was Buttar's father. Upon hearing this, the assailant drew a pistol and fired a shot at Kulwant Singh, causing him to collapse on the spot. Both attackers immediately fled the scene on their motorcycle. Sarabjit Kaur raised an alarm, attracting nearby residents. Kulwant Singh was rushed to Civil Hospital, Batala, and subsequently referred to Amandeep Hospital, Amritsar, but he succumbed to his injuries on the way.

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 12.12.2025. Learned counsel for the petitioner has argued that *assuming arguendo*, the prosecution version available at this juncture is taken to be correct, the role attributed to the petitioner was giving shelter to the co-accused as also supply/destruction of a pistol, but no active role has been attributed to the petitioner in committing the actual offence. Learned counsel has submitted that the petitioner has been implicated into the FIR in question, on the basis of disclosure statement of co-accused. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail.

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

6. The petitioner was arrested on 12.12.2025, whereinafter investigation was carried out and challan *qua* the petitioner has been presented on 06.03.2026. Total 24 prosecution witnesses have been cited, and culmination of the trial, but of-course, will take time. The rival contention raised at Bar give rise to debatable issues, which shall essentially 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 the custody certificate dated 19.5.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 4 months and 29 days & is stated to be involved in other FIRs/cases. 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.

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

(SUMEET GOEL)
JUDGE

20.05.2026

Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No