



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

204-I

CRM-M-30124-2026
Date of decision: 19.06.2026

Balkaran Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. IPS Kohli, Advocate and
Mr. Sidharth Maini, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)

1. This is the second petition under Section 483 BNSS filed by petitioner, an accused in case bearing FIR No. 157 dated 06.10.2025 registered against him, for commission of offences punishable u/s 308(4), 61(2), 249, 253 BNS and Section 25 of Arms Act at Police Station Garhshankar, District Hoshiarpur, seeking the concession of bail. His first petition bearing CRM-M-23750-2026, seeking similar relief, was dismissed as withdrawn vide order dated 04.05.2026 passed by the Coordinate Bench of this Court.

2. Facts necessary for disposal of this petition have been taken from para 3 of the Status report dated 15.06.2026 filed by way of affidavit of Mr. Daljit Singh, PPS, Deputy Superintendent of Police, Sub-Division Garhshankar, District Hoshiarpur. The same is reproduced as under:-

“3. That it is respectfully submitted that FIR No.0157 (supra) was registered on the basis of the statement of complainant Chaman Lal son of Ashok Kumar, resident of Village Kokewal Mazari, Police Station Garhshankar, District Hoshiarpur



(Mobile No. 62807-30749), who deposed that he operates a shop and that on 06.10.2025, at approximately 1:00 P.M., he received a call from unknown mobile number 89001-05868 directing him to attend a WhatsApp call. He subsequently received a WhatsApp call from number +1(905)807-8196, through which an unidentified individual made an extortion demand of Rs. 50,00,000/- (Rupees Fifty Lakhs), accompanied by threats to the complainant's life and property in the event of non-compliance. The complainant declined to accede to the said demand on account of financial incapacity, whereupon the caller disconnected the call after issuing a death threat. Thereafter, while the complainant was proceeding to lodge a report with the authorities, he learnt that unknown assailants arriving from Village Binewal on a motorcycle had discharged a firearm at the shop of his brother, Sandeep Kumar, situated on Binewal Road at Adda Jhungian; however, the bullet struck the rear window glass of Alto Car bearing Registration No. PB-10-CU-9293, which was parked outside the shop, thereby averting any grievous injury. The complainant accordingly prayed for registration of a First Information Report and appropriate legal action. On the basis of the aforesaid statement, the present FIR was registered against unknown persons under Section 308(4) of BNS and Section 25 of the Arms Act, 1959."

During the course of investigation, statement of material witnesses were recorded, site plan of the scene of occurrence was prepared and Alto Car bearing registration No.PB-10-CU-9293 was taken into police possession, one empty cartridge case bearing marking 'K.F. 7.65' was seized from the spot. On the basis of reliable information, co-accused Karanveet Singh was apprehended on 10.10.2025, who during interrogation disclosed that his maternal cousin Jaskaran Singh @ Kari had made an extortion call to shopkeeper Chaman Lal and had demanded Rs.50 lakhs on 06.10.2025.



On the same day, Jaskaran Singh @ Kari had fired shots at the shop of the brother of the complainant. At the relevant time, Suraj Kumar @ Kalu was driving the motorcycle on which Jaskaran was riding pillion.

Co-accused Karanveet Singh further disclosed that on 05.10.2025, Jaskaran Singh, Suraj Kumar and other unidentified associates had entered into criminal conspiracy with a view to commit the aforesaid offence. He further mentioned that the identity of the third associate is known only to co-accused Jaskaran Singh. Accordingly, Section 61(2) of BNS was added vide DDR No.18 dated 11.10.2025.

On the second disclosure statement of co-accused Karanveet Singh, one Rakesh Kumar @ Lambar was nominated as an accused on the ground that he had been actively harbouring and concealing co-accused Jaskaran Singh. Accordingly, Section 249 and 253 of BNS were also added vide DDR No.14 dated 12.10.2025.

Insofar as the present petitioner is concerned, he was nominated as co-accused on the basis of disclosure statement of co-accused Jaskaran Singh. The role attributed to him (P) is that he along with Jaskaran Singh and Suraj Kumar had conspired to commit the offence. Admittedly, in pursuance of disclosure statement made by co-accused Jaskaran Singh and Abhishek Sharma (since granted the concession of bail by this Court in CRM-M-22406-2026 vide order dated 28.04.2026, Annexure P-5), recovery of illegal weapons and ammunition including the pistol used in the offence have been recovered.

On culmination of investigation, challan was prepared and filed in the Court on 30.03.2026.

3. Petitioner moved an application for grant of bail before the



learned Additional and Sessions Judge, Hoshiarpur. The same came to be dismissed vide order dated 03.04.2026. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner, a young boy aged about 25 years with clean past antecedents, has been falsely implicated in the present case only on the basis of disclosure statement of co-accused Jaskaran Singh, which in the absence of recovery of any other incriminating material is not admissible in evidence. Further, even as per the case of the prosecution, petitioner was not present at the spot when the alleged firing incident occurred; the only role attributed to him is that on the previous day, he along with two other co-accused Jaskaran Singh and Suraj Kumar had conspired to commit the offence.

It is next the submission of learned counsel that since the withdrawal of the first petition on 04.05.2026 bearing CRM-M-23750-2026), filed before this Court, by the present petitioner seeking similar relief, co-accused Abhishek Sharma who is alleged to have supplied ammunition to the main accused and at whose instance, 10 rounds of .30 bore were recovered, has been granted the concession of bail vide CRM-M-22406-2026, Annexure P-5. This being the changed circumstance, present petitioner, as per learned counsel, being on a better footing than the said co-accused, as nothing incriminating was recovered at his (P) instance and who was roped in only on the basis of disclosure statement of co-accused Jaskaran Singh, deserves similar treatment.

Towards the end, learned counsel submits that lenient view deserves to be taken in favour of petitioner, as the prospect of trial being concluded in the near future seems to be quite remote, for out of 19



prosecution witnesses none has been examined till date. When viewed in the factual scenario of the case in hand, further incarceration of petitioner would not serve any useful purpose as the same would be violative of his fundamental rights guaranteed under Article 21 of the Constitution of India. Further, as per learned counsel, petitioner undertakes to abide by all the conditions so imposed by the Court, while extending the concession of bail to him. Prayer for allowing the petition has been made.

5. *Per contra*, while opposing the request for grant of bail, learned State counsel contends that in the light of seriousness and gravity of the offence and the role played by the petitioner, who had conspired along with Jaskaran Singh and Suraj Kumar to commit offence, no case for grant of bail is made out, for if extended the concession of bail, there is every likelihood of him fleeing from the process of justice by not appearing in the Court and overawing complainant/related witnesses who are till date not examined. Dismissal of the petition has been prayed for.

6. It is settled that grant or refusal of bail is the discretion of the Court. Factors to be kept in mind while granting the concession of bail have been discussed by the Hon'ble Supreme Court in several cases. The essence being that while exercising powers under Section 439 Cr.P.C. (*Pari materia* to Section 483 of BNSS), the Court has to take into consideration various para meters including the nature of the charge, evidence, seriousness and gravity of offence, punishments to be awarded to a person, if he is convicted, his past antecedents etc. Thus, there can be no straight jacket formula for exercising the discretion and each case has to be examined on its peculiar facts.



The Hon'ble Apex Court in ***Sanjay Chandra versus Central Bureau of Investigation (2012)1 Supreme Court Cases 49***; held as under:-

"14) In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon.

The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, 'necessity' is the operative test.

In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any Court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for the purpose of giving him a taste of imprisonment as a lesson."

Hon'ble Supreme Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr., 2018(2) R.C.R. (Criminal) 131***, elaborated upon the factors



to be kept in mind while deciding bail and reiterated that a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. Hon'ble Apex Court further held that while considering prayer for grant of bail, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Hon'ble Apex Court further held that if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimized, it would be a factor that a judge would need to consider in an appropriate case.

In view of the settled proposition of law as referred above, this Court is of the opinion that further detention of the petitioner, against whom no other criminal case is pending, would not serve any useful purpose, as the same, without the prospect of trial being concluded in the near future, for out of 19 prosecution witnesses none has been examined till date, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial.

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety to the satisfaction of the learned Duty Magistrate/trial Court concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*



(iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

(v) The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which he is suspected of.

(vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

(vii) The petitioner shall not in any manner misuse his liberty.

(viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

19.06.2026

Hemant

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