



CRM-M-66282-2025 and
CRM-M-49992-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-66282-2025(O&M)

Sukhdev Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

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CRM-M-49992-2025

Kulwinder Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

Decided on :26.02.2026

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Madhup Munjal, Advocate for the petitioner
(in CRM-M-66282-2025).

Mr. J.S. Grewal, Advocate for the petitioner
(in CRM-M-49992-2025).

Mr. Jasdeep Singh, Addl. A.G., Punjab.

SANJAY VASHISTH, J. (Oral)

1. By way of this common order both the aforementioned petitions are being disposed of as they arise out of one common FIR.

2. Petition i.e. CRM-M-66282-2025 has been filed by petitioner-Sukhdev Singh, seeking regular bail in case FIR No. 97 dated 23.10.2024, under Sections 109, 3(5), 221, 132 of BNS and Section 25 of Arms Act (offence under Sections 221, 132 of BNS were added later on), registered at Police Station Sadar Jalalabad, District Fazilka.

2.1 Petition i.e. CRM-M-49992-2025 has been filed by petitioner-Kulwinder Singh, seeking regular bail in case FIR No. 97



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dated 23.10.2024, under Sections 109, 3(5) of BNS and Section 25 of Arms Act, registered at Police Station Sadar Jalalabad, District Fazilka.

3. On 10.02.2026, following order was recorded in CRM-M-49992-2025:

“1. Sequence of events, as explained by learned counsel for the petitioner, is that on 29.09.2024, two accused persons, namely Sukhdev Singh @ Baggu and Kulwinder Singh (petitioner herein), were together and allegedly fired shots towards BSF officials. Upon being chased by the BSF personnel, both the accused were apprehended and were subsequently handed over to the officials of NCB, Amritsar. Thereafter, both the apprehended accused were found to be in conscious possession of 550 grams of heroin and, as a result, a complaint under Section 36 of the NDPS Act was filed by the NCB officials before the concerned Court (Annexure P-1).

Separately, a letter dated 11.10.2024 (Annexure P-2) was addressed by Inspector Sumit Kumar, Company Commander, BSF, to the Station House Officer, Police Station Sadar, Jalalabad, District Fazilka, seeking registration of a case against the accused persons on account of firing shots towards BSF officials. Pursuant thereto, the impugned FIR came to be registered against the accused persons.

2. Learned counsel for the petitioner contends that there is no allegation that any fired bullet hit any BSF or NCB official. It is further submitted that with regard to the allegations under the NDPS Act, a separate complaint is already pending. As per the prosecution version, the weapon involved in the present case, i.e. one pistol, is shown to have



been recovered only from accused Sukhdev Singh @ Baggu, and nothing has been recovered from the possession of the petitioner, Kulwinder Singh.

It is thus argued that prima facie, no offence under Section 307 IPC or under the Arms Act is made out against the petitioner, as no weapon is stated to have been recovered from his possession.

3. *Learned counsel further submits that once a complaint has been filed by the NCB officials in respect of the same incident, registration of a separate FIR is not maintainable.*

4. *On the other hand, learned State counsel has filed a status report dated 09.02.2026 in Court today, which is taken on record.*

5. *Learned State counsel, while not disputing the factual narration, seeks time to verify the status of both the accused persons in respect of the case for which the instant FIR has been registered against them.*

6. *List again on 25.02.2026."*

4. Continuing their submissions, learned counsel for the petitioners submits that no person sustained any injury in the alleged occurrence. It is further submitted that there are a total of 33 prosecution witnesses, out of whom only one has been examined to date. Petitioners are in custody since 29.09.2024, i.e., for the last 01 year, 02 months, and 04 days. On these grounds, prayer is made for the grant of regular bail.

5. On the other hand, learned State counsel has filed separate custody certificates of the petitioners in Court today, which are taken on



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record. Learned State counsel acknowledges the period of custody undergone by the petitioners.

5.1 However, learned state counsel submits that allegations against the petitioners are serious in nature. Learned State counsel further submits that petitioners, in furtherance of their common intention, allegedly fired shots towards BSF officials, thereby endangering the lives of security personnel. The offence, therefore, has serious implications on public safety and national security.

5.2 Learned State counsel further submits that the trial is at an initial stage and material prosecution witnesses are yet to be examined. In the event of release on bail, there is every likelihood that the petitioners may influence or intimidate prosecution witnesses, therefore, prays for dismissal of present petitions.

6. I have heard learned counsel for the parties and perused the paper-book as well as the documents appended thereto.

7. Considering the fact that no injury was caused to any person in the alleged occurrence; that petitioners are in custody since 29.09.2024, i.e., for more than 01 year; that out of 13 prosecution witnesses only 01 has been examined so far and conclusion of trial is likely to take considerable time, thus, without expressing any opinion on the merits of the case, this Court is of the considered view that the petitioners have made out a case for the grant of regular bail.



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7.1 Accordingly present petitions are allowed. Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

9. Petitions stand disposed of.

10. A photocopy of this order be placed on the file of another connected case.

**(SANJAY VASHISTH)
JUDGE**

26.02.2026

Rashmi

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No