

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

2026:PHHC:020978



120

CRM-M-57071-2025 (O&M)
Date of decision: 11.02.2026
Date of uploading: 11.02.2026

Sukhwinder Singh @ Commando

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. J.S. Ghumman, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. The present petition has been preferred on behalf of the petitioner under Section 483 of BNSS 2023 for grant of regular bail in case bearing FIR No.99 dated 21.08.2024, registered for the offences punishable under Sections 103, 191(3), 190, 238 of BNS 2023 and Section 25 of the Arms Act, 1959, at Police Station Nakodar Sadar, District Jalandhar.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Charan Das son of Bahaal Singh, resident of Kala Sanghya, Police Station Sadar Kapurthala District Kapurthala, age about 60 years, mobile number 98150-71592 stated that I am resident of the abovesaid address and do manual

labour work. I have 3 children. My son Kulwinder Singh alias Kindi, age about 30 years, works in a private company in Banglore, but came here on holidays for the last few days. Since he had a fight in the village about 2 years ago, due to which a case was registered against my son, and for attending the date in the said case, he had come here on leave. A few days ago, Tirath Singh, son of Major Singh, resident of our village, came to our gate with 5/6 more men and abused us. He also took the name of my son Kulwinder Kindi and threatened that whatever happened, he would not leave Kindi alive. Regarding this, we had filed a complaint with our police post Kala Sanghian, but no action was taken. That yesterday on 20.08.2024 at about 08/08:30 PM in the evening, all our family members were present at home and my son Kulwinder Kindi received a phone call from his friend Paramjit Singh, resident of Ungi. After hearing the phone call, Kindi immediately got up and walked towards his motorcycle. I asked him what happened, but he did not answer since my son was already fighting, so I took my other son Kuldeep Singh alias Babbu along with me and followed him on other motorcycle but Kindi who came straight from Kindi Kala Sanghia to Ungi side and after going around Ungi village, he came to the turn where the road goes to Kang Sahbu village, where due to the construction of a chowk there are many shops around, where many lights were on and there was a lot of light there. At that place, my son's friend Laddu and two other young men whom I do not know, I will tell you later, were standing, all of them were shooting at each other, when in the meantime, a Swift Dzire vehicle bearing No.PB-09-Z 6782, colour white, came from the front. From the driver's seat, Gurdit Singh alias Guri, son of Nirmal Singh, resident of Monawala, Police Station Sultanpur Lodhi, and from the seat next to the driver, Jatinder Singh alias Kohli, son of Sham Lal, resident of Kahalwan, got out and from the back seat, Tirath Singh, son of Major Singh, resident of Kala Sanghia, Sukhwinder Singh alias Commando, son of Paramjit Singh, resident of Rasulpur, and Gurpreet Singh alias Dhatt, resident of Ali Chowk, got out and two more motorcycles came behind their car, one motorcycle was being driven by Guralpal Singh alias Gopa, son of Manjit Singh, resident of Sidhwan Dona, Police Station Sadar, Kapurthala, and behind him was

Balkar Singh alias Balla, son of Jaspal Singh, resident of Sidhwa Dona, Police Station Sadar, Kapurthala was sitting, and the other motorcycle was being driven by Nazir Gujar, son of Murid, resident of village Kotla, Kala Sanghia Road, Police Station Lambra. I know all the above youths from before. In the wake of my son's previous fight, they all came from the other side and kept threatening to kill my son. As soon as he got down, Tirath Singh and Jatinder Kohli started abusing my son and attacked him with the bait (data) they were holding in their hands in order to kill him. When my son ran in front of them to save himself, Sukhwinder Singh alias Commando fired at my son with the pistol he was holding in his hand, which hit his left thigh as he was running away. Despite being shot, my son kept running there to save himself. After the shooting, the above-mentioned persons got into their car and started running away from the spot. First, they hit the car straight into the wall in a hurry, due to which the bumper and front glass of the car broke. Then, when they tried to reverse the car again, the car hit on the back wall and the rear glass of the car also broke. While the above-mentioned persons were giving these threats to my son that if he survived this time, he would not leave alive again, and they all escaped from the spot. Due to the gunfire, my son Kuldeep Singh alias Babbu and my son's friends hide behind the shops in fear. After the attackers left, we followed the blood flowing from the scene of the fight. About 100 yards ahead, my son was lying on a pile of sand in an empty plot on the right side of the road. He was bleeding profusely. However, we had time to arrange for someone to take him to the hospital. Meanwhile, my son Kulwinder Singh alias Kindi died on the spot due to excessive bleeding. The above-mentioned Gurdit Singh alias Guri son of Nirmal Singh resident of Mothawala Police Station Sultanpur Lodhi, Jatinder Singh alias Kohli son of Sham Lal resident of Kahlwan, Tirath Singh son of Major Singh resident of Kala Sanghian, Sukhwinder Singh alias Kamado son of Paramjit Singh resident of Rasoolpur and Gurpreet Singh alias Dhat resident of Alichowk, Gurpal Singh alias Gopa son of Manjit Singh resident of Sidhwan Dona Police Station Sadar Kapurthala, Balkar Singh alias Balla son of Jaspal Singh resident of Sidhwan Dona Police Station Sadar Kapurthala and Nazir Gujar son of Murid resident of village Kotla Kala

Sanghia Road Police Station Lambra have shot my son dead due to a previous enmity with him, strict legal action should be taken against the said persons. Due to the late night and the fact that we did not have any contact number of the local police, we could not inform and kept the body in the mortuary, the statement has been heard which is correct. LTI Charan Dass, Verified Sd/- Kuldeep Singh Attested by SHO/SI Baljinder Singh Police Station Sadar Nakodar dated 21.08.2024.”

3. Learned counsel appearing for the petitioner has submitted that the petitioner is in custody since 08.11.2024. Learned counsel appearing for the petitioner has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further submitted that the prime prosecution witness namely PW-Charan Dass (FIR-complainant, the father of the deceased) as also PW-Chhinder pal have turned hostile and, thus, the trial is not likely to culminate into conviction. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, sought for dismissal of the petition in hand. Learned State counsel seeks to place on record custody certificate dated 10.02.2026, 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 08.11.2024 and is stated to be in continuous custody. Upon culmination of investigation challan was presented on 19.11.2024. Total 24 prosecution witnesses have been cited and out of which only two have been examined till date. It is not in dispute

that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

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.”

The rival contentions of the learned counsel for the parties including the factum of the weightage required to be attached to the testimony of the hostile witnesses namely PW-Charan Dass and PW-Chhinder Pal shall be gone into during the course of the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioners absconding from the process of justice or interfering with the prosecution evidence

Further, as per custody certificate dated 10.02.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 1 year, 2 months and 28 days & is stated to be involved in multiple

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, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. In view of the above, the petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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.

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

(SUMEET GOEL)
JUDGE

February 11, 2026
Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No