



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

(122)

CRM-M-61584-2025 (O&M)

Date of Decision: 23.02.2026

BALJINDER SINGH ALIAS MANDU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Dheeraj Narula, Advocate
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 302 dated 06.07.2023 under Sections 147, 148, 216, 307, 323, 325, 341, 354-B and 506 of IPC read with Section 149 of IPC (while Section 25 of Arms Act, 1959 was dropped at the time of framing charge on 28.03.2024), registered at Police Station Sirsa Sadar, District Sirsa.

2. The translated version of the FIR is reproduced below:-

“Statement of xxxx wife of Tarsem Singh, caste Majbi Sikh, resident of village Bhamboor, aged about 45 years, Mobile No. 98123 92850. Stated that, I am residing at the aforementioned address and a household lady. On 05.07.2023 at about 9 O'clock my brother-in-law (Devar) Kripal Singh has gone to bring grocery items from the Grocery Shop in the village. Mundri son of Devi Lai, Angrej Singh son of Ruldu Ram, Balraj son of Chinder Pal, Tony son of chadta Singh, Jinder son of Miyan, Mammu son of Chinda Singh, Kakka son of Jamail Singh, Mandu son of Kamail Singh, Ranjit son of Jagdish Kamboj and Baljeet son of Hardev Singh all residents of Bhamboor armed with dandas, lathis and sharp edged weapon were already present on the shop of Hanshu. They had come in the car of Ranjit Kamboj. When my brother in-law (Devar) Kripal Singh



reached near the shop of Hansu, all of them started abusing him and when my brother-in-law (Devar) started moving back to his house, they obstructed the passage of my brother-lathi, danda and sharp edged weapons. On hearing the noise, I and my son Manohar son of Tarsem Singh went to rescue Kripal Singh then all of them also caused injuries to my son Manohar with danda and sharp edged weapons and gave fist and slaps to me. Mandu son of Karnail Singh was carrying a pistol which was seen by me. When I raised alarm, several people of the village reached at the spot. Deepa son of Kaur Singh also gave slaps to me. All the assailants, on seeing several people of the village reaching at the spot, fled away from the spot alongwith their respective weapons and while going they extended threats to kill us on the next available opportunity. After arranging the conveyance, I along with my family members shifted my brother-in-law (Devar) Kripal Singh and my son Manohar to Govt. Hospital, Sirsa where the doctor, after giving first aid to my brother-in-law (Devar) and my son, issued their MLRS from where they were referred to higher centre. Now my brother-in-law (Devar) Kripal Singh and my son Manohar have been admitted in City Health Care Hospital, Sirsa. Both are unconscious. You have come to the hospital. I have got my statement recorded to you. I have heard it and the same is correct. I have got my statement recorded in the presence of Tejvinder Singh. Action be taken against all of them. RTI xxxx.”

3. Status report by way of affidavit of HPS, Deputy Superintendent of Police (Law & Order), District Sirsa has been filed by the State in the registry, which is taken on record.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of a generic and omnibus statement made by the complainant. As per the allegations in the instant FIR, that when the complainant's brother-in-law Kirpal Singh had gone to a grocery shop, he was allegedly abused and assaulted by the petitioner and other co-accused, who also caused injuries to the son of the complainant. However, a perusal of the FIR would reveal that the allegations with respect to the specific role of inflicting injuries has been attributed to co-accused, while no overt act or specific injury has been attributed to the petitioner either in the FIR or in the challan. The only allegation against the petitioner is that he was allegedly carrying a pistol at the time of occurrence;



however, the charge under Section 25 of the Arms Act has already been dropped at the stage of framing of charge. Thus, in the absence of any specific role or injury attributed to him, the implication of the petitioner and his continued incarceration is unjustified. Further, it is submitted that 09 other co-accused persons have already been granted regular bail by this Court on 18.01.2024, 18.04.2024 & 10.07.2024. Reliance in this regard has been placed upon the bail orders i.e. Annexure P-2 to P-5. The material witnesses have already been examined in the present FIR. It is further submitted that there is no direct or substantial evidence on record to corroborate the allegations. The petitioner has already undergone an actual custody of 02 years 05 months and 19 days and has clean antecedents.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 02 years 05 months and 19 days. The learned State counsel, on instructions from official concerned, submits that in the present case, charges were framed on 28.03.2024 and out of total 33 prosecution witnesses, 02 (i.e. the material witnesses) have been examined till date. She submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

6. Heard the rival submissions made by learned counsel for the parties.

7. Admittedly, the charges were framed on 28.03.2024 and out of total 33 prosecution witnesses, 02 (i.e. the material witnesses) have been



examined till date. The petitioner has undergone actual custody of 02 years 05 months and 19 days, and there is no other criminal case registered against him. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any police officer or
tamper with the evidence.

9. In case of breach of any of the above conditions, the
prosecution shall be at liberty to move an application for cancellation of bail
before this Court.

10. However, nothing stated above shall be construed as a final
expression of opinion on the merits of the case and the trial Court would
proceed independently of the observations made in the present case which
are only for the purpose of adjudicating the present bail petition.

11. Pending miscellaneous application(s), if any, also stands
disposed of.

(KIRTI SINGH)
JUDGE

February 23, 2026
Ritika

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