



2026:PHHC:074914

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

2026:PHHC:074914



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CRM-M-13597-2026

Date of decision: 13.5.2026

Date of uploading: 13.5.2026

Kashmir Singh @ Raja @ Kattu

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. H.S. Bajwa, Advocate for
Mr. Balwant Singh, Advocate for the petitioner(s).

Mr. Jaypreet Singh, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS 2023 for grant of regular bail to the petitioner in case bearing FIR No. 09 dated 31.01.2025, registered under Sections 103(1) and 3(5) (sections 61(2), 317 (2) added later on) of B.N.S, 2023 and Sections 25/27/54/59 of Arms Act, 1959, at Police Station Mehta, District Amritsar (Rural).
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 Bhupinder Kaur wife of Shamsher Singh,
resident of Gadar Razada, Police Station; Mattewal, age about*



36 years, mobile number 97817-78842, stated that I am a resident of the above address and doing House-hold work, that I have 2 children, elder daughter Taranpreet Kaur, age about 13 years and younger son Manvir Singh, age about 11 years, that my husband Shamsher Singh is serving a duty on the water supply tank in village; Ghanshampur, who usually used to go on his duty at 8:30/9 A.M. every day, that I was not well today and I told my husband who started asking me to come with me, I will get you medicine from the doctor, to which I said go on duty, I will come back later after doing work, then at around 1 P.M., I came to my husband's Ghanshampur water tank, where my husband is on duty, then my husband told me to sit in the room, I will do some work and then we will go, which I did. I sat in the water tank room and my husband was working outside. It must have been around 1:30 P.M. when three young men who had their faces covered came riding a motorcycle to the water tank. One of them fired his handgun at my husband, which hits his left chest. The other two young men attacked my husband with their hand axes "Daatar". They hit my husband with their hand axes. My husband put his hands forward to defend himself, so the axes hit both my husband's hands. I ran out and came out. My husband ran to the motor room to save his life. Blood splattered on the walls and floor of the room. My husband was bleeding profusely and was shot. He fell unconscious on the ground outside the room. Then I shouted, "Marta Marta", Then the unknown person shot my husband and fled on a motorcycle with their weapons. Then I took my husband and left. I arranged for a ride and was admitted to Guru Ramdas Hospital, in Amritsar in an injured condition where my husband died during treatment. I can identify the people who shot and stabbed my husband when they come forward. I have written a statement to you. I have listened to it and read it. It is okay. Please take action. I SD/- Bhupinder Kaur, Identified SD/-Surjit Singh Surjit Singh son of Kashmir Singh, resident of Nangli Kalan. Verification is correct/- Kulwinder Singh SI Chief Officer, Police Station Mehta. Dated 31.01.2025."

3. Learned counsel appearing for the petitioner has argued that the petitioner is in custody since 15.02.2025. Learned counsel appearing for the petitioner has further argued that the petitioner has been falsely implicated into the FIR in question, on account of his antecedents. Learned counsel has further submitted that no tangible material has come on record to identify the petitioner as one of the being assailants. He has further argued that the prime prosecution witness namely Bhupinder Kaur (FIR-complainant)/wife of the deceased has turned hostile. Thus, regular bail is prayed for.

4. Learned State counsel while raising submissions in tandem with the short reply dated 08.05.2026 has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 12.5.2026, 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 15.02.2025 whereinafter investigation was carried out and challan was prepared on 05.05.2025 and subsequently has been presented. Total 30 prosecution witness have been cited, out of which only one has been examined till date. The rival contentions of the learned counsel for the parties; including the weightage required to be attached to the testimony of the hostile witness(s), 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.

As per custody certificate filed today, the petitioner has undergone 1 year, 2 months and 22 days & is shown to be involved in one more case/FIR. 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 petitioners 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/Illaqa 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 petitioners.

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

May 13, 2026
Naveen

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No