



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

229

CRM-M-14902-2026

Date of decision : 23.04.2026

Date of uploading : 23.04.2026

Baldev Singh

.....Petitioner

Versus**State Of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vipin Mahajan, Senior Advocate with
Mr. Utkrant Mahajan, Advocate for the petitioner.

Mr. Gaurav Gurcharan S. Rai, Sr. DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.87 dated 05.08.2025 under Sections 103, 3(5) of BNS, registered at Police Station Ghanie-Ke-Bangar, Police District Batala, District Gurdaspur, Punjab.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"Statement of Karamjit Kaur wife of late Baljinder Singh alias Sonu, resident of Ghaniye Ke Bagar, aged about 25 years, mobile number 9056156371, stated that I am a resident of the above-mentioned address and I do household work. Today at about 5:30 PM, I along with my husband Baljinder Singh son of Harjit Singh and my mother-in-law Balwinder Kaur, were travelling in our jeep from our village Ghaniye Ke Bagar towards village Kotli Thabla and were going to pay obeisance at Peera di Jagah. When we were going towards village Kotli, and after crossing the canal bridge, a little ahead near the Dera of Jatinder Singh son of Sulakhan Singh, resident of Ghaniye Ke Bagar, at about 6:00 PM in the evening, we saw Baldev Singh son of Pargat Singh, Gurjinder Singh son of Baldev Singh, and Rajwinder Singh alias Raja son of Baldev Singh, residents of Ghaniye Ke Bagar, coming from the front on foot while



bringing a fodder cart. At that time Gurjinder Singh and Rajwinder Singh alias Raja were holding sickles (dataris) in their hands, while Baldev Singh was empty-handed. Since the road was narrow, while passing the jeep there was a verbal quarrel between my husband Baljinder Singh and them. Then Baldev Singh raised a lalkara saying, "Teach him a lesson for not giving us the way." Immediately thereafter Baldev Singh caught hold of my husband Baljinder Singh by his hair and threw him down from the jeep onto the ground. They then dragged him and took him inside the gate of the dera of Jatinder Singh son of Sulakhan Singh. Gurjinder Singh then gave two consecutive blows with his hand-held sickle (dasti datari) to my husband. One blow struck on the right side of his chest, and the second blow hit him in the abdomen. Thereafter, Rajwinder Singh inflicted two consecutive blows with his hand-held sickle on my husband. One blow struck his right shoulder, and the second blow landed above the left side of his chest. Again, Rajwinder Singh delivered another blow with his sickle which struck on the back side near the little finger of my husband's right hand. Then Gurjinder Singh again gave another blow with his hand-held sickle to my husband which struck his waist. As a result, my husband fell down on the ground. We raised an alarm shouting "They have killed him, they have killed him." On hearing the noise, people started gathering at the spot. Meanwhile, my uncle-in-law Daljit Singh son of Karam Singh, resident of Ghaniye Ke Bagar, also arrived there. Seeing the gathering of people, the accused persons fled away from the spot along with their respective weapons. Thereafter, my uncle-in-law Daljit Singh and we arranged a vehicle and took my husband to EMC Hospital, Jalandhar Road, Batala, where the doctor declared my husband dead. The reason for the enmity is that there had been a quarrel earlier at this place as well. You (the police) have come to the spot and to EMC Hospital, Jalandhar Road, Batala. I have got my statement recorded before you. Strict legal action be taken against the above-named persons. I am the complainant. Signed: Karamjit Kaur (above-named) Balwinder Kaur (above-named) Verified by: Lakhwinder Kumar, SI Station House Officer, Police Station Ghaniye Ke Bagar. Date: 04-08-2025."

3. Learned senior counsel for the petitioner has argued that the petitioner is in custody since 05.08.2025. Learned senior counsel has further argued that the petitioner has been falsely implicated in the FIR in question, as the actual dispute was between the deceased and the co-accused, who are the sons of the petitioner. Learned senior counsel has further submitted that, even *assuming arguendo* that the prosecution version is taken to be correct, the role ascribed to the petitioner is limited to raising a lalkara (exhortation) and catching hold of the deceased by his hair and dragging him. Learned senior counsel has further argued that the injuries are attributed to the co-accused. Learned senior counsel has further iterated that the petitioner has suffered incarceration for more than



8 months and is not involved in any other case. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 22.04.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 05.08.2025 wherein after investigation was carried out and challan stands presented on 01.11.2025. Total 21 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that culmination of trial will take its own time. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another,*** decided on 03.07.2024; relevant whereof reads as under:-

“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.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”



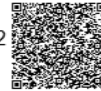
The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 22.04.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 8 months and 13 days and is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

23.04.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No