



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

206

CRM-M-20995-2026
Decided on : 24.04.2026

Sukhwinder Khan @ Sukhwinder Singh @ Sukhi . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Munish Garg, Advocate
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Sukhwinder Khan @ Sukhwinder Singh @ Sukhi	388	09.08.2023	S. 307, 34 of IPC [S. 109, 3(5) of BNS, 2023] and S. 25 of Arms Act, 1959 [S. 379-B, 411, 473, 120-B of IPC, added later on] [S. 304, 317(2), 341(2), 61(2) of BNS, 2023]	City Barnala	Barnala

2. On the basis of secret information, FIR in question came to be registered against four accused persons (including the present petitioner). A gist of the allegations, as summed up by the learned trial Court concerned, is reproduced here-under:-

“ As per case of prosecution, when on 09.08.2023. police party



headed by Inspector Baljit Singh has laid barricade near the over-bridge on Sangrur side near Handiaya, where police party of ASI Kulwinder Singh also came present and they were talking about the gangsters. It was at about 02.30 pm, he received secret information that 4 gangsters related to Bambiha Gang are coming from Tapa towards Sangrur side in car no.PB- 22X-5258 and they are having illegal weapons. On this information, police party was put on alert and in the meantime, one swift car came at high speed from opposite side and the persons started firing towards police party. Inspector Baljit Singh stopped the vehicle by firing on front tyre of the said car. The person sitting on conductor side on front seat alighted from the vehicle and fired towards police party, which crossed from the pent of the Inspector Baljit Singh. After giving warning to the accused, they were apprehended on the spot. On search of accused, Yadwinder Singh, 0.32 bore pistol was recovered and on search of Sukhwinder Khan, one pistol 0.30 bore was recovered. Similarly, one 0.30 bore pistol was recovered from the possession of Husanpreet Singh. One key of the vehicle alongwith one magazine of 0.30 bore was recovered from accused Jagsir Singh. The case property was taken into police possession and all the accused were arrested on the spot.”

3. Learned counsel for the petitioner, at the outset, without addressing much on the merits of the case, submits that almost similarly situated co-accused, namely, (i) Husanpreet Singh Gill, (ii) Jagsir Singh alias Billa, and (iii) Yadwinder Singh alias Ludan, have already been granted concession of regular bail by Coordinate Bench of this Court during the year 2024. The details thereof are as under :-

Sr. No.	Case No. & Details	Date of Order/ Annexure
1.	CRM-M-86-2024, titled as, “Husanpreet Singh Gill v. State of Punjab”	11.01.2024 (P-3)
2.	CRM-M-63236-2023, titled as, “Jagsir Singh alias Billa v. State of Punjab”	13.02.2024 (P-4)
3.	CRM-M-31269-2024, titled as, “Yadwinder Singh alais Ludan v. State of Punjab”	09.07.2024 (P-5)



Therefore, in view of the above and by claiming parity, learned counsel prays for grant of concession of regular bail to the petitioner.

4. On the other hand, learned State counsel, has produced the custody certificate dated 23.04.2026 in Court today. Same is taken on record. Office to tag the same at appropriate place.

A copy thereof has been handed over to the petitioner's counsel.

5. Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner does not deserve any leniency, as he is a habitual offender and is stated to be involved in 09 other criminal cases.

However, learned State counsel is not in a position to dispute the factual position that the other three co-accused, against whom, there were similar allegations, have already been granted concession of regular bail by Coordinate Benches of this Court vide detailed orders passed during the year 2024.

6. Considering the submissions made by learned counsel for the parties and the material available on record, petitioner seeks concession of regular bail primarily on the ground of parity with the other co-accused.

7. Heard.

8. It is not disputed before this Court that the other three co-accused, namely, (i) Husanpreet Singh Gill, (ii) Jagsir Singh alias Billa, and (iii) Yadwinder Singh alias Ludan, against whom, allegations were of similar nature, have already been granted concession of regular bail by Coordinate Bench of this Court vide detailed orders passed during the year 2024.

It is further a matter of record that the petitioner is inside the jail for a period of about 02 years, 08 months and 13 days. It has also been



informed by learned State counsel that out of total cited 25 prosecution witnesses, none has been examined so far, which shows that the trial is not progressing at the required pace and its conclusion is likely to take considerable time.

So far as the objection raised by learned State counsel regarding involvement of the petitioner in other criminal cases is concerned, the same by itself cannot be taken as an absolute bar for consideration of the prayer for bail, particularly when similarly situated co-accused are already on bail.

7. Keeping in view the principle of parity; the prolonged period of incarceration already undergone by the petitioner; the slow pace of trial; without expressing any opinion on the merits of the case, this Court is of the considered view that further detention of the petitioner inside jail would not serve any useful purpose. Accordingly, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his 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. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. Any of the discussion done and recorded here-above, 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.

10. Petition stands **disposed of**.

Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

April 24, 2026

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No