



2026:PHHC:127006

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CNR No: PHHC011204582026

2026:PHHC:127006



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CRM-M-41701-2026 (O&M)

Date of decision: 09.09.2026

Date of uploading: 09.09.2026

Balwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vikas Kumar Gupta, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present 2nd petition has been filed under Section 483 of BNSS, 2023 on behalf of the petitioner to secure regular bail in case bearing FIR No. 137 dated 16.12.2025 registered for the offences punishable under Sections 103, 61(2), (249 added later on) of BNS and Sections 25, 27, 54 & 59 of the Arms Act, 1959, at Police Station Haryana, District Hoshiarpur.
2. The FIR in question pertains to murder of one Abdul.
3. Learned counsel for the petitioner has argued that the petitioner is seeking regular bail by way of his second attempt before this Court. Learned counsel for the petitioner has urged that a perusal of the order dated 27.05.2026 passed in CRM-M-26150-2026, would reveal that the petitioner was indeed granted the concession of regular bail by a Co-ordinate Bench of this Court. The said order reads thus:-



“1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.137 dated 16.12.2025 registered under Sections 130, 61(2) of the Bharatiya Nyaya Sanhita, 2023 (Section 249 BNS added later on) and Sections 25, 27, 54, 59 of the Arms Act at Police Station Hariana, District Hoshiarpur.

2. Brief facts of the present case, as per the prosecution, are that the co-accused Gurtaj Singh in connivance with the other co-accused fired gunshots with pistol towards the brother of the complainant namely Abdul and raised lalkara as a result of which he succumbed to his injuries. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the alleged incident. He further contends that neither the petitioner was present at the spot nor was named in the FIR. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by one of the co-accused. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He argued that the petitioner has been nominated in the present case only because he is the father of the main accused Gurtaj Singh. He further argued that the allegations against the petitioner are that he had provided shelter to main accused Gurtaj Singh and other co-accused. Even if the case of the prosecution is taken as it is, then at the most, the offence of harbouring is made out against the present petitioner which is bailable. Further, there is no allegation of his involvement in the actual planning, execution or facilitation of the crime. The petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 11.02.2026. The investigation in the case is complete, challan stands



presented, however, charges are yet to be framed and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate and status report, which are taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he has not controverted the fact that the petitioner is a first time offender and is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 03 months, investigation in the case is complete; challan stands presented; however, charges are yet to be framed; and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. 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.

6. Reliance is placed upon in Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "bail is a rule" and "jail is an exception".

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case."



4. Learned counsel appearing for the petitioner has urged that, on account of inadvertence, the said petition (CRM-M-26150-2026) was filed in respect of Section 130 of BNS *whereas* it ought to have been filed under Section 103 of BNS. Learned counsel appearing for the petitioner has further urged that the petitioner had filed an application bearing CRM-24914-2026 in the said petition, for modification/rectification of the said order, but the said application was dismissed as withdrawn on 17.07.2026. Learned counsel appearing for the petitioner has further urged that, in view of the withdrawal of the application seeking correction of the provision/section, he has been constrained to file the present petition, which has been termed as the second petition.

5. Learned State counsel has opposed the grant of regular bail to the petitioner on account of seriousness of the offence.

6. Having heard learned counsel for the rival parties and upon perusal of the record; especially in view of the facts/findings recorded in the order dated 27.05.2026 passed in CRM-M-26150-2026; this Court is inclined to afford the concession of regular bail to the petitioner.

7. Ordered accordingly.

8. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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 cellphone 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.

9. In case of breach of any of the aforesaid conditions, and those which may be imposed by the concerned Trial Court/Duty Magistrate as directed hereinabove, or upon showing any other sufficient cause, the State/complainant shall be at liberty to move for cancellation of the petitioner's bail.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

09.09.2026

Naveen

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No