

(2026) 08 P&H CK 0471
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-42213-2026

XXXXXXX

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 48, 111, 109, 61(2), 324(4), 3(5), 103, 308(4), 351(3), 238, 191(3), 190
Arms Act, 1959 — Section 25, 27
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483
Constitution of India — Article 21

Citation : (2026) 08 P&H CK 0471

Hon'ble Judges : Virinder Aggarwal, J

Bench : Single Bench

Advocate : Mr. Vinod K. Kaushal, Advocate for the petitioner; Ms. Navreet Kaur, AAG, Punjab.

Final Decision : Petition allowed

Judgement

1. The present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973), has been filed seeking the grant of regular bail to the petitioner in FIR No. 141 dated 12.09.2025, initially registered under Sections 48, 111, 109, 61(2), 324(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 307, 120-B, 427 and 34 of the Indian Penal Code, 1860), and Sections 25 and 27 of the Arms Act, 1959, at Police Station Ramdas, District Amritsar (Rural). During the course of investigation, offences under Sections 103, 308(4), 351(3), 238, 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 302, 387, 506, 201, 148 and 149 of the Indian Penal Code, 1860) were added, whereas the offence under Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Section 34 of the Indian Penal Code, 1860) was deleted.

2. As per the prosecution, the present FIR was registered on the statement of

Major Singh, brother of the injured Kulwinder Singh. It is alleged that Kulwinder Singh, who was running a private hospital and also working as a commission agent, had been receiving extortion calls since May, 2025 from one Swarn Singh @ Jeevan Fauji, who demanded ₹ 50 lakhs and threatened him with dire consequences. It is further alleged that an earlier attempt was also made on 11.07.2025, when two unidentified assailants allegedly opened fire at Kulwinder Singh outside his hospital, pursuant to which a separate FIR had already been registered. It is the further case of the prosecution that on 12.09.2025, at about 12:10 p.m., three unidentified youths arrived at Bhangu Hospital on a motorcycle, out of whom two entered the hospital on the pretext of purchasing medicines and opened fire at Kulwinder Singh with an intention to kill him, causing firearm injuries. The assailants fled from the spot after the occurrence. On the basis of the statement of the complainant, present FIR came to be registered against Swarn Singh @ Jeevan Fauji and three unknown assailants under the relevant provisions of the BNS, 2023 and the Arms Act. Subsequently, Kulwinder Singh succumbed to the injuries sustained in the incident on 05.10.2025, whereupon the offence under Section 103 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Section 302 IPC), along with other allied offences, was added. During the course of investigation, on the basis of secret information, the present petitioner was arrested on 17.09.2025 and nominated as one of the assailants. Upon completion of the investigation, the challan has been presented before the learned Trial Court.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is not named in the FIR. It is contended that the occurrence, as narrated in the FIR, attributes the commission of the offence to three unidentified assailants who had covered their faces and had arrived on an unnumbered motorcycle. Learned counsel submits that there was neither any description of the assailants nor any identifying feature of the motorcycle mentioned in the earliest version, and, therefore, the subsequent implication of the petitioner solely on the basis of alleged secret information is wholly improbable and legally unsustainable. It is further submitted that no test identification parade was ever conducted to establish the identity of the petitioner as one of the alleged assailants.

3.1 Learned counsel further argues that no recovery of any weapon, incriminating article or other material has been effected from the petitioner and there is no direct evidence connecting him with the commission of the alleged offence. It is contended that the petitioner, who is a juvenile by date of birth and is pursuing the present petition through his mother, has remained in judicial custody since 17.09.2025. The investigation stands concluded, the challan has already been presented before the learned Trial Court, charges were framed on 05.05.2026, and despite there being 29 prosecution witnesses, not even a single witness has been examined till date, indicating that the trial is likely to consume considerable time.

3.2 Learned counsel further submits that similarly situated co-accused Karamjit Singh @Karanjeet Singh @ Vansh has already been granted the concession of regular bail by this Court in CRM-M-32681-2026 vide order dated 25.06.2026. Learned counsel further submits that the petitioner is not involved in any other criminal case, has never been declared a proclaimed offender and there is no likelihood of his absconding or tampering with the prosecution evidence. It is also pointed out that similarly situated co-accused have already been granted the concession of regular bail by this Court. In these circumstances, it is prayed that the petitioner be enlarged on regular bail.

4. Notice of motion.

5. Ms. Navreet Kaur, AAG, Punjab, has put in appearance on behalf of the respondent-State and has opposes the prayer for grant of regular bail and submits that the petitioner is involved in a grave and heinous offence involving a pre-planned attack on the victim pursuant to an extortion conspiracy. It is contended that during the course of investigation, the petitioner was nominated on the basis of credible secret information and sufficient incriminating material has been collected connecting him with the commission of the offence. Learned State counsel further submits that the victim ultimately succumbed to the firearm injuries sustained in the occurrence, whereupon the offence under Section 103 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Section 302 IPC) and other allied offences were added.

6. Be that as it may, considering the custody period already undergone by the petitioner since 17.09.2025, the fact that the investigation stands concluded, the challan has already been presented before the learned Trial Court and charges have been framed on 05.05.2026, the petitioner is no longer required for custodial interrogation. It is further noticed that the petitioner was not named in the FIR and came to be implicated during the course of investigation after his arrest on the basis of secret information. The correctness of the prosecution version and the evidentiary value of the material relied upon to connect the petitioner with the alleged occurrence are matters which shall be examined during the course of trial. It is also a matter of record that the petitioner claims to be a juvenile on the date of the alleged occurrence and is prosecuting the present petition through his mother, which is also a relevant circumstance at this stage. Role attributed to the petitioner is that he was given a stolen motor-cycle to co-accused which was used by the co-accused in recce of place of occurrence prior to actual commission of offence. There is no specific attribution against the petitioner. Furthermore, out of the 29 prosecution witnesses cited by the prosecution, not even a single witness has been examined till date, indicating that the trial is likely to take considerable time to reach its logical conclusion. It is also not disputed that similarly situated co-accused have already been granted the concession of regular bail by this Court and no distinguishing feature has been pointed out by the learned State counsel so as to deny the petitioner the benefit of parity. In these circumstances, without expressing any opinion on the

merits of the case, further incarceration of the petitioner would serve no useful purpose.

7. Reliance is placed upon the judgment of the Hon'ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and refusal thereof is an exception, and that a person is presumed to be innocent until proven guilty. It is further submitted that the right to speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently recognised by the Hon'ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (CrI.) No. 8523/2024). In these circumstances, continued incarceration of the petitioner would serve no useful purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

8. Accordingly, the present petition is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaq Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

1. *The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.*

2. *The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.*

3. *The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event he is in possession of a passport, he shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.*

4. *The learned Illaq Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioner his permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.*

5. *The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if*

any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.

6. The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent himself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or his unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.