



CRM-M-44974-2025 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-44974-2025 (O&M)
Decided on : 25.08.2025

DALER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Parvez Akhtar Dhaliwal, Advocate,
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. The 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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Daler Singh	71	26.10.2023	451, 323, 506, 324, 325 of IPC and (Sections 452 and 34 of IPC added later on)	Sandaur	Malerkotla

2. Counsel for the petitioner submits that incident in the present case occurred on 16.10.2023, while the impugned FIR No.71 was registered ten days later, i.e. on 26.10.2023, under Sections 451, 323, 506, and 34 of the IPC.



3. It is further contended that since the offences initially registered were bailable in nature, petitioner was released on police bail. However, nearly a year later, on 21.10.2024, an additional charge under Section 452 of the IPC, being non-bailable, was added.

Counsel for the petitioner argues that petitioner's bail plea has since been dismissed, but given the delayed addition of the non-bailable offence and nature of the allegations, custodial interrogation is no longer required for any meaningful purpose. Thus, prayer is made for grant of regular bail to the petitioner, during the pendency of the trial.

4. On advance notice, Mr. Manjinder Singh Bhullar, DAG, Punjab, puts an appearance on behalf of the respondent/State, and Mr. Sparsh Chibber, Advocate, puts in appearance on behalf of the complainant, and files his *vakalatnama* in Court today, which is taken on record.

5. Learned State counsel, assisted by counsel for the complainant, vehemently opposes the prayer made by counsel for the petitioner.

It is submitted that Section 201 of the IPC was also added on 03.05.2025; however, this fact has not been mentioned either in the head note or in the prayer clause of the present bail petition filed by the petitioner. Nonetheless, the other factual aspects as stated by counsel for the petitioner are not disputed by learned State counsel.

6. This Court has considered the submissions made by counsel for the parties and has also perused the record available, and finds that all the offences involved in the present petition are triable by the Court of



learned Magistrate. Initially, the allegations against the petitioner pertained to bailable offences, for which bail had already been granted. The subsequent addition of Section 452 IPC, relating to house trespass, is a factual issue that prosecution will be required to establish through evidence, during the course of trial. Furthermore, mere addition of Section 452 IPC does not, in the opinion of this Court, justify the need for custodial interrogation, particularly, as there is no stated requirement for the recovery of any weapon from the petitioner.

7. Taking into account the overall circumstances, including the fact that investigation appears to have progressed at a slow pace, this Court finds it appropriate to grant the concession of regular bail to the petitioner in the present case.

8. 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/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. 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.



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11. Since, the prosecution has added Section 201 of the IPC after a lapse of approximately 20 months, concession of bail granted to the petitioner vide today's order shall also be deemed applicable in respect of the said offence. Merely, because Section 201 IPC is not specifically mentioned in the headnote and prayer clause of the present petition, petitioner cannot be denied the benefit of bail on that ground.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

25.08.2025

Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO