



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

237

CRM-M-56276-2025 (O&M)

Date of decision: 14.10.2025

Kuldeep Singh @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Neeraj Yadav, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.0016 dated 17.03.2021, registered under Sections 307, 148, 149 of Indian Penal Code, 1860 and Section 25/27 Arms Act (Section 302 and Section 27-54-59 Arms Act Added later on) at Police Station Shri Hargobindpur, Batala (Annexure-P1).

2. Learned counsel contends that the petitioner has been in custody for 4 years. He though was named in the FIR and attributed the fire arm injury to the deceased, however neither any recovery of pistol was effected from him nor Section 201 IPC was added, connecting him to the commission of offence. Reference was further made to cross-examination of Dr. Alok G. Lalwani, who appeared as PW2 and stated that as per the bed head ticket dated 18.03.2021 patient's condition and vitals were stable and he left the hospital as per medical



advise. Charges were framed on 08.04.2022. The alleged eye-witness Rajwinder Kaur stands examined besides 5 other prosecution witnesses, however 12 still remain. There is an application under Section 311 CrPC filed, which is also pending. There is no other case against the petitioner, except one under Prisons Act. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that the petitioner was specifically named in the FIR and had attributed the fatal fire arm injury to the deceased. However, he is unable to controvert the submissions with regard to stage of the case and the petitioner being on bail in other case.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 3 years 11 months and 6 days; on bail in other case; though the charges were framed wayback on 08.04.2022 out of 18 prosecution witnesses only 6 have been examined so far, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is



allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.



9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

14.10.2025

Vishal Vardhan

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