



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

213

CRM-M-21615-2025 (O&M)

Date of decision: 30.04.2025

Balbir Singh @ Balvir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Komal Preet Singh, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.59 dated 27.08.2018 under Section 307 of the IPC registered at Police Station Khem Karan, District Tarn Taran.

2. As per the case of the prosecution, the complainant, Simranjit Singh, while getting his statement recorded before the police, alleged that he serves at Gurudwara Bhai Lakhia Ji, Manawa, and resides there at night for security purposes. A few days prior to the incident in question, during an Akhand Path, the petitioner, arrived at the Gurudwara Sahib. Upon being requested by the sangat to assist in serving langar, the petitioner allegedly misbehaved and abused the sangat. The complainant intervened and asked him to leave the premises.

3. On the date of the incident in question i.e. 27.08.2018, at

around 3.30 a.m., while the complainant was getting ready after taking a bath, the petitioner allegedly approached him with an uncapped acid bottle and threw the acid at his face. The complainant turned his face in an attempt to protect himself, but the acid struck his neck and left ear. On hearing his cries, Satbir Singh and Inderjit Singh, reached the spot and witnessed the occurrence. The complainant was immediately taken to the Civil Hospital, Khem Karan, for treatment. The motive attributed to the petitioner was prior animosity stemming from the incident which had taken place at the Gurudwara Sahib some days earlier.

4. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case due to political rivalry. It has been argued that the petitioner was granted the concession of default bail on 12.06.2019 and had been regularly appearing before the learned Trial Court. On one occasion, however, he failed to appear due to mistakenly noting down the wrong date, which led to the cancellation of his bail and surety bonds. The petitioner was subsequently re-arrested on 21.03.2024. It has been further submitted that only 02 prosecution witnesses out of 11 have been examined so far, and in view of the protracted trial, the petitioner deserves the concession of bail.

5. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR in question (Annexure P-1) and submitted that the allegations are serious and grave, involving an acid attack intended to cause permanent disfigurement. It has been pointed

out on instructions that the complainant, while testifying in Court, has specifically identified the petitioner as the assailant and reiterated the allegations levelled in the FIR. It has been further submitted on instructions that the medical evidence on record corroborates the ocular account of the incident in question. The learned State counsel has further contended that the petitioner had absconded during the course of trial for a significant period, as reflected in the custody certificate which has been placed on record in the Court today, thereby causing undue delay in the proceedings. Furthermore, while only 02 prosecution witnesses have been examined so far, 01 has been given up, which leaves only 08 witnesses to be examined, most of whom are formal in nature. It has been, therefore, urged that in light of the grave nature of allegations and the conduct of the petitioner during trial, the instant petition be dismissed as there is every likelihood that the petitioner could yet again abscond leading to further delay in the conclusion of the trial.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. *Prima facie*, the allegations against the petitioner are of a very serious nature, involving a brutal acid attack upon the complainant, allegedly committed in the early hours of the morning. The motive, as borne out from the record, stems from a prior altercation in the premises of the Gurudwara Sahib. The complainant has specifically named the petitioner in the FIR and has fully supported the prosecution version while deposing before the learned Trial Court. His

testimony finds *prima facie* corroboration in the medical evidence.

8. Moreover, the petitioner was granted the benefit of default bail earlier, but failed to appear in Court subsequently, leading to cancellation of his bail bonds. While it is contended that his absence was inadvertent, the fact remains that the petitioner absconded and was rearrested only in March, 2024. This conduct contributed to the delay in the conclusion of the trial.

9. The stage of trial, the nature of allegations, the specific and direct involvement of the petitioner as deposed by the injured eyewitness/complainant, and the gravity of the offence, collectively persuade this Court to decline the concession of bail to the petitioner. Accordingly, the instant petition is hereby dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11. Pending applications, if any, stand disposed of.

30.04.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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