

CRA-S-548-2026 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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MANJIT SINGH ALIAS BITTU GUJJER

APPELLANT

VERSUS

STATE OF PUNJAB AND ANOTHER

RESPONDENTS

1	The date when the judgment was reserved	24.08.2026
2	The date when the judgment is pronounced	27.08.2026
3	The date when the judgment is uploaded on the website	27.08.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment and reasons thereof.	Not applicable

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Argued by: Mr. Jagdeep Singh Chahal, Advocate
for the appellant (through video conferencing).

Mr. Sukhbeer Singh, DAG Punjab.

Mr. Rajpal Singh, Advocate for the respondent No.2.

Shalini Singh Nagpal, J.

1. The appeal challenges order dated 11.02.2026 of learned Additional Sessions Judge, Patiala vide which application for regular bail of the appellant in FIR No.50 dated 06.05.2020 under Sections 302, 307, 323, 326, 324, 341, 506, 148, 149, 188 IPC, Sections 51, 54 of Disaster Management Act, 2005 and Section 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police Station Passiana, District Patiala, Punjab, was dismissed.

2. The case was registered on statement of Yadwinder Singh, who alleged that on 05.05.2020, he along with his brother Bhupinder Singh and



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cousin-Balwinder Singh was returning to Village Passiana from Patiala in his car, which Bhupinder Singh was driving. At about 08:30 P.M., when they reached under by-pass flyover, a silver *Swift* car came from the front and hit their car. Their car stopped and in the light of the car, he saw Krishan Kumar *alias* Chicha s/o Khila Ram, Varinder Singh s/o Balvir Singh and Manjit Singh *alias* Bittu Gujjer s/o Dayal Ram, Gurmeet Singh s/o Ajmer Singh, Kulwinder Singh s/o Karnail Singh, all residents of Village Passiana, armed with swords and knives, alighting from the car. They attacked them, broke the windowpanes of the car, caught his brother Bhupinder Singh, dragged him out. Thereafter, Krishan Kumar *alias* Chicha and Manjit Singh *alias* Bittu Gujjer, who were armed with swords stabbed his brother Bhupinder Singh in the abdomen and others also attacked him with swords and knives. During this period, two more cars reached the spot carrying Lakhi s/o Prithi Ram, Mandeep Singh, Sandeep Singh s/o Jagdish Ram, Meshi s/o Jaisi Ram, Gurmeet Singh s/o Ajmer Singh, Nindi s/o Karnail Singh, Jagtar Singh s/o Kesar Singh, resident of Village Passiana, Preet Saini, Harinder Mahal both residents of Village Korjiwala and Rupinder Singh, resident of Village Dhablan, who accompanied with other persons, armed with swords, sticks and deadly weapons, came out of their respective cars. They too attacked his brother Bhupinder Singh, who was lying on the ground. He and Balwinder Singh tried to save him but they too were attacked with sticks and *kirpan*. Varinder Singh, in order to kill him, gave a sword blow on his head which he resisted and the sword hit his right arm. Balwinder Singh too was injured. When they raised cries of “*Maar Ditta Maar Ditta*”, the assailants fled from the spot along with their respective weapons and cars. They were admitted in the hospital. His brother Bhupinder Singh, who was referred to PGI, succumbed to his injuries.

Motive of the occurrence was that his brother-Bhupinder Singh was Sarpanch



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of the village. During elections, he was supported by Krishan Kumar *alias* Chicha party, who wanted him to disburse grants, given to the Village, to them but Bhupinder Singh refused to do so.

3. Learned counsel for the appellant submits that appellant was in custody for the last more than six years. Co-accused Krishan Kumar *alias* Chicha who remained in custody for five years was allowed regular bail on the ground of delay in trial and prolonged custody. After summoning of co-accused under Section 319 Cr.P.C. on 21.04.2022 no prosecution witness was examined and appellant too deserved the concession of regular bail on the ground of parity and prolonged incarceration.

4. Custody certificate dated 23.08.2026 and status report by way of affidavit of Mr. Fateh Singh Brar, PPS, Deputy Superintendent of Police, Sub-Division Samana, District Patiala on behalf of respondent-State has been filed. The same is made part of the record. Learned State counsel assisted by learned counsel for the complainant concedes that out of 21 witnesses cited by the prosecution, only 03 were examined. The prayer for regular bail is opposed on the ground that appellant was a notorious gangster involved in other cases of serious nature and in case of release on bail, he was likely to threaten prosecution witnesses and tamper with evidence.

5. Hon'ble Supreme Court in *Syed Iftikhar Andrabi Versus National Investigation Agency, 2026 SCC online SC 881*, has observed that liberty granted by Part III of the Constitution would cover within its protective ambit not only due procedure and fairness but also access to justice and speedy trial. Undertrials cannot indefinitely be detained pending trial. Once it is obvious that a timely trial would not be possible and the accused has suffered incarceration for a significant period of time, the court would ordinarily be obligated to enlarge them on bail.



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6. In *Arvind Dham Vs. Directorate of Enforcement, 2026 SCC online SC 30*, Hon'ble Supreme Court emphasized that right to speedy trial is not eclipsed by the nature of the offence. Prolonged incarceration of an under-trial, without commencement or reasonable progress of trial, cannot be countenanced, as it has the effect of converting pre-trial detention into punishment.

7. As per status report filed by respondent-State, the incident occurred on account of long standing party faction in Village Passiana arising out of Panchayat elections. Appellant too is a resident of Village Passiana. As per custody certificate, he is in custody for the last more than 06 years 02 months. He is involved in various other cases in which he is facing trial. In view of the ratio of law laid down by Hon'ble Supreme Court in *Prabhakar Tiwari Vs. State of UP and Anr. 2020(1) RCR (Criminal) 831* and *Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others 2012(2) SCC 382*, involvement of appellant in other criminal cases cannot be the sole ground to deny him the concession of bail and the prayer for bail has to be considered in the light of facts and circumstances of each individual case. Although, previously vide orders dated 12.09.2023, 03.05.2025 and 18.08.2025, the prayer for regular bail has been refused, release of co-accused Krishan Kumar *alias* Chicha on regular bail vide 29.01.2026 can be regarded as substantial change in circumstances as allegations against both appellant and Krishan Kumar *alias* Chicha are at par.

8. Appellant is in custody for last more than 06 years. Considering the slow progress of the case, only 03 out of 21 witnesses having been examined, conclusion of trial by an early date does not appear in sight. Since fundamental right of the appellant to speedy trial has been infringed, his detention cannot be permitted. Appellant is, thus, entitled to regular bail on

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the ground of long incarceration subject to the condition that he shall not extend any threat to the witnesses/complainants or tamper with the investigation or try to influence the outcome. In the event of any such complaint(s) being received and the allegations being found correct, on inquiry/investigation, the bail granted to the appellant shall be liable to be cancelled on an appropriate application moved by the prosecution/party aggrieved.

9. Without commenting on merits of the case, the appeal is allowed. Order dated 11.02.2026 of learned Additional Sessions Judge, Patiala is set aside. Appellant is ordered to be released on regular bail, subject to his furnishing adequate bail and surety bonds to the satisfaction of Trial Court/Duty Magistrate.
10. Pending applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

27.08.2026
HS.CHAUHAN

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No