

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.10550 of 2026

Malkit Singh... Petitioner

Versus

State of Punjab... Respondent

1.	The date when the judgment is reserved	19.08.2026
2.	The date when the judgment is pronounced	21.08.2026
3.	The date when the judgment is uploaded on the website	21.08.2026
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 MRS. JUSTICE MANISHA BATRA

Present: Mr. Sarbjit Singh, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in case arising out of FIR

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No.103 dated 03.08.2024 registered under Sections 103, 191, 190(3) and 238 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) at Police Station Division E, District Amritsar. The previous petition as filed by the petitioner bearing CRM-M-20947-2025 had been dismissed as withdrawn vide order dated 09.07.2025.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Balwinder Kaur alleging therein that her husband Darbara Singh i.e. the victim who was working in accounts branch of Sri Darbar Sahib, Amritsar was under stress from the last few days and onasking, he told the complainant that daughter of Sukhbir Singh who was performing duty in Dharam Parchar Committee of Sri Darbar Sahib had eloped with some boy and Sukhbir Singh was suspecting his hand in the said elopement. She alleged that in the morning of 01.08.2024, she was present in her house when the above named Sukhbir Singh accompanied by one female and one male reached there and after introducing him and proclaiming that since the husband of the complainant had helped in elopement of her daughter with some boy, therefore, he would have to face consequences, they had left the house of the complainant. On 03.08.2024, the said Sukhbir Singh called her on her phone and extended threat that he along with his sons Arsh, Sajjan, the petitioner and one more person was going to kill her husband on that day. Due to fear, the complainant immediately made a call to her husband who was in his office but he did not pick up the same. At about 2:30 PM, she received intimation about murder of her husband. By alleging that

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Sukhbir Singh, his sons Arsh, Sajjan, the present petitioner and one more person had hand in murder of the victim, she prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. The postmortem examination of dead body of the victim was conducted. The CCTV footage of the place of occurrence was collected and the petitioner was seen amongst the co-accused in the same. The petitioner was arrested on 04.08.2024. He was identified as one of the assailants by eye-witness Skattar Singh. On interrogation, he suffered disclosure statement admitting his involvement in the crime. Co-accused were subsequently arrested. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The complainant was not eye-witness to the occurrence. The disclosure statement allegedly suffered by him cannot be considered to be legally admissible in evidence. No specific overt act has been attributed to him. In the CCTV footage, he was shown to be empty handed. Even if the prosecution story was believed, he had only accompanied the co-accused to the office of the deceased to make him understand. He had no knowledge about the intention of the co-accused Sukhbir Singh and had not motive to kill him. Even Sukhbir Singh was not carrying any weapon and was wearing a Siri Sahib (small sword). He is in custody since long. His antecedents are clean. The co-accused Ranjit Singh and Arshdeep Singh have been extended benefit of bail. The principle of parity weighs in his favour. His prolonged incarceration militates against his

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fundamental right guaranteed under Article 21 of Constitution of India to release on bail. It is, therefore, argued that he deserves to be released on bail.

5. Per contra, learned State counsel has argued that by conniving with the co-accused and in pursuance of their common intention, the petitioner along with them, had gone to the office of the victim who was given punch blows by the petitioner and co-accused Ranjit Singh and Arshdeep Singh whereas fatal injuries with Siri Sahib had inflicted by co-accused Sukhbir Singh. The active participation of the petitioner in the occurrence stands established. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner in connivance with the co-accused is alleged to have assaulted the victim. He is alleged to have given fist blows/punches to the victim whereas co-accused Sukhbir Singh had assaulted the victim Darbara Singh by striking blows with Siri Sahib. The factum of participation of the petitioner in commission of the subject offences stands prima facie established on the basis of the allegations levelled against him. However, he has suffered incarceration for a period of over two years now. Similarly situated co-accused Arshdeep Singh and Ranjit Singh have been extended benefit of bail. The case of the petitioner is to be treated at parity with their case. The chances of conclusion of trial in near future are bleak as no prosecution witness has been examined so far. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for

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an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system.

8. It is also well settled proposition of law that deprivation of the personal liberty without ensuring speedy trial is not in consonance with the right guaranteed by Article 21 of Constitution of India. Even in cases of serious offences, where some amount of deprivation of personal liberty cannot be avoided, if such period becomes unduly long, the same is against the fairness assured by Article 21 of the Constitution. In ***Javed Gulam Nabi Shaikh vs The State of Maharashtra and another***, Criminal Appeal No.2787 of 2024, decided on 03.07.2024, it had been observed by Hon'ble Supreme Court that, howsoever, serious a crime may be, an accused has a right to speedy trial as enshrined under the Constitution of India. Bail is not to be withheld as punishment. It was also observed that if the State or any prosecuting agency including the Court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution, then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed, is serious. Article 21 of the Constitution applies irrespective of the nature of the crime. The Hon'ble Supreme Court had

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further observed that the over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent unless proven guilty, cannot be brushed aside lightly, howsoever stringent the penal law may be and direction was given for release of appellant on bail.

9. In view of the discussion as made above with regard to the position of law and applying the same to the peculiar facts and circumstances of the present case and taking into consideration the role attributed to the petitioner and on parity, this Court is of the considered opinion that the petitioner has made out a case for release on bail. As such, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat 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.
- (ii) He shall appear before the trial Court on each and every date fixed, unless his presence is exempted by the learned trial Court.
- (iii) He shall provide details of his permanent address as well as present address before the learned trial Court at the time of furnishing of bonds and shall not change the same without informing the trial Court.

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(iv) He shall also give copy of his Aadhar Card, PAN Card (if any) and details of his mobile phone number(s) to the learned trial Court at the time of furnishing of bonds and in case, any change in his mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance and shall keep his mobile phone switch on all times.

10. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall also be at liberty to move an application seeking cancellation of the bail.

11. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

21.08.2026
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(MANISHA BATRA)
JUDGE

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