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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-37545-2026
Date of Decision: 17.07.2026****KULWANT SINGH****...Petitioner****Vs.****STATE OF PUNJAB****...Respondent****CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Narinder S. Lucky, Advocate for the petitioner.
Mr. Baljinder Singh Sra, Addl. AG, Punjab.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure), seeking grant of regular bail to the petitioner in FIR No. 41 dated 12.07.2023, initially registered under Sections 302, 307, 324 and 34 of the Indian Penal Code, 1860 (with Sections 323 and 326 IPC added later and Section 324 IPC deleted), corresponding to Sections 103, 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (with Sections 115(1) and 119 BNS added subsequently and Section 118 BNS deleted), registered at Police Station Rureke Kalan, District Barnala, during the pendency of the trial.

2. As per the prosecution case, the present FIR came to be registered on the statement of Gurpreet Singh, who stated that his father, Gurmel Singh, had been residing at a farmhouse situated in the fields at Village Pakho Kalan. On the night of 11/12.07.2023, at about 11:57 p.m., Gurmel Singh made a phone call to his wife informing her that some unknown persons had attacked him and his grandson, Avijot Singh. Upon receiving the information, the complainant, along with his brothers, rushed to the spot and found Gurmel Singh and Avijot Singh lying in pools of blood with multiple injuries. Gurmel



Singh and the injured Avijot Singh disclosed that two unknown persons, whose faces were covered and who were armed with sharp-edged weapons, had attacked them while they were sleeping. Both the injured were immediately shifted to Civil Hospital, Tapa, where Gurmel Singh was declared dead, while Avijot Singh was admitted for treatment. On the basis of the said statement, the present FIR was initially registered against unknown assailants.

2.1 During the course of investigation, the present petitioner was nominated as an accused on the basis of an alleged extra-judicial confession made by co-accused Baru Singh before Ranjit Singh, Member Panchayat of Village Pakho Kalan. It is the case of the prosecution that co-accused Baru Singh was nursing a grudge against the deceased on account of previous enmity and, in furtherance of the said motive, conspired with the present petitioner and co-accused Vikramjit Singh to commit the crime. The prosecution further relies upon the disclosure statements of the accused, the recoveries allegedly effected pursuant thereto, and other circumstantial evidence collected during investigation. Upon completion of investigation, the challan was presented before the learned Trial Court, where the case is presently pending for trial.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and was not named in the FIR, which was initially registered against two unknown masked assailants. It is argued that the petitioner's nomination rests solely on the alleged extra-judicial confession of a co-accused, which is a weak piece of evidence and requires strict corroboration. It is further submitted that there is no direct eyewitness account



against the petitioner and that the complainant, who appeared as PW-1, has not supported the prosecution case during trial. Learned counsel further contends that the investigation stands concluded, the challan has been presented, and the petitioner has remained in custody since 17.07.2023. It is also submitted that a co-accused, namely Vikramjit Singh, has already been granted the concession of regular bail by this Court on the ground of parity. Since the material witnesses have already been examined. Trial is progressing slowly, the petitioner deserves to be released on regular bail.

4. Notice of motion.

5. Mr. Baljinder Singh Sra, Addl. AG, Punjab, has put in appearance on behalf of the respondent-State and has filed the custody certificate dated 16.07.2026, which is taken on record, subject to all just exceptions. As per the custody certificate, the petitioner has already undergone a total custody period of 02 years 11 months and 29 days.

6. learned State counsel opposes the prayer for grant of regular bail and submits that the petitioner is involved in a grave offence involving the murder of one person and causing injuries to another. It is argued that during investigation, sufficient material was collected connecting the petitioner with the commission of the offence, including the extra-judicial confession made by the co-accused, disclosure statements and other incriminating circumstances. Learned State counsel contends that the allegations are serious in nature and, therefore, the petitioner does not deserve the concession of regular bail.

7. Be that as it may, considering the custody period already undergone by the petitioner, coupled with the fact that the investigation in the



present case stands concluded, challan has already been presented before the learned Trial Court and charges have been framed, the petitioner is no longer required for any custodial interrogation. It is also pertinent to note that none of the prosecution witnesses have been examined till date and, considering the number of witnesses cited by the prosecution, the trial is likely to consume considerable time before reaching its logical conclusion. It is further relevant to mention that co-accused Vikramjit Singh, who is alleged to be involved in the same occurrence and is facing trial on similar set of allegations, has already been extended the concession of regular bail by this Court vide order dated 01.04.2026. The case of the present petitioner stands on a similar footing, particularly when the prosecution case against him is based upon circumstantial evidence, alleged extra-judicial confession and disclosure statements, the evidentiary value of which is to be assessed during the course of trial. Thus, the petitioner is entitled to consideration on the ground of parity as well.

8. Reliance is placed upon the judgment of the Hon'ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and refusal thereof is an exception, and that a person is presumed to be innocent until proven guilty. It is further submitted that the right to speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently recognised by the Hon'ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (Crl.) No. 8523/2024). In these circumstances, continued incarceration of the petitioner would serve no useful



purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

9. Accordingly, the present petition is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

1. The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.

2. The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.

3. The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event he is in possession of a passport, he shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.

4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioner his permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

5. The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account



Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.

6. The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent himself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or his unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

(VIRINDER AGGARWAL)
JUDGE

17.07.2026
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*