



CRM-M-9484 of 2024

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

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**CRM-M-9484 of 2024
Date of Decision: 01.12.2025**

Gurseb Singh @ Gursewak Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Anureet S. Sidhu, Advocate for the petitioner.

Mr. Ravinder Singh, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.16 dated 06.02.2021 registered under Sections 302, 148 and 149 of the IPC (challan presented under Sections 302, 201 and 34 IPC), at Police Station Julkan, District Patiala.
2. Brief facts of the present case as per the prosecution are that the petitioner in connivance with other accused murdered Raj Kumar (father of the complainant), due to some land dispute.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argues that the present FIR was lodged at the instance of the complainant-Gurjit Singh wherein he alleged that he had received information regarding attack on his father telephonically, however, in the FIR, the complainant had neither disclosed the name of the said caller nor any phone number which itself makes the

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prosecution story doubtful. He further argues that even the eye-witness of the incident had not named anybody. He submits that if the prosecution story is believed to be true, even then the only allegation against the petitioner is that he has given fist blows to the deceased. He further submits that the petitioner is being made a scapegoat as the main accused i.e. Kehar Gir and Kehar Puri were declared innocent initially, and were later impleaded as additional accused through an application filed under Section 319 Cr.P.C. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Further, co-accused Rekha has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 18.11.2024. The petitioner is in custody since 11.03.2021. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 24 prosecution witnesses and out of them, only 04 have been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he has actively participated in the crime. He argued that the petitioner was part of the unlawful assembly which led fatal assault upon the father of the complainant and he gave kick and fist blows to the deceased and hence, there are specific allegations against him. However, he has not controverted the fact that the



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petitioner is first time offender as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 04 years and 08 months; he has clean antecedents, investigation is complete; challan stands presented; charges framed; out of 24 witnesses, only 04 have been examined till date; the trial is proceeding at snail's pace, and will take a long time to conclude, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

01.12.2025

D.Bansal

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