



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

230

CRM-M-9129-2025

Date of decision: 05.08.2025

Paramvir Singh @ Pamm

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Johal, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.23 dated 13.03.2022 registered under Sections 365, 302, 34 IPC and Section 25 and 27 of the Arms Act, 1959 (charges have been framed under Sections 364, 302, 34 IPC and 25 of the Arms Act, 1959 vide order dated 02.12.2022) at Police Station Chabbewal, District Hoshiarpur.

2. In the instant case, the prosecution agency was set into motion on a statement suffered by one Kulwaran Singh. The relevant extract of the FIR reads as under:-

“Stated that I am a resident of the above address and am doing agricultural work. I am a Nihang Singh. Kulwaran Singh resident of Gopalian is also Nihang Singh and we belong to the same jathebandi and know each other well. On 11-3-2022 I and Charanjit Singh son of Kewal Singh resident of Dandian police station Chabbewal were



going to Gurudwara Harianvelan on motorcycle. At about 12:30 p.m. when we reached near the road going from village Bham to Harte, there we met Maninder Singh alias Mani son of Kulwaran Singh resident of Gopalian police station Chabbewal, whom I already knew, along with two other boys named Manpreet alias Mapi resident of Mukhlyana and Paramveer Singh alias Pamm resident of Dihana. All three of them were going on motorcycle. We asked Maninder Singh alias Mani what are you doing here. Who said that we have come from Bham to get the factor repaired. I asked him where is your father, who said that he is at home. On dated 11-3-2022 at around 2:30 pm, I got a call from Kulwaran Singh that Maninder Singh has not come home. I think that the boy from Dihana has killed him. On which I told Kulwaran Singh resident of Gopalian that I and Charanjit Singh had seen Maninder Singh with Manpreet Mapi and Paramveer Singh Pam on a motorcycle about 2 hours ago. On which at the same time I went to Kulwaran Singh and other Nihang Singhs also gathered there. We started looking for Maninder Singh. Today on 13-3-2022 while searching, we were going on the Kachi Phirni going to Halte from village Chinton, when we reached near the field of mustard, many people had gathered there, where we stopped and saw that dead body of Maninder Singh alias Mani was lying in the mustard field. Paramveer Singh alias Pam and Manpreet alias Mapi have shot and killed Maninder Singh alias Mani. Strict legal action should be taken against them.”

3. Learned counsel for the petitioner *inter alia* contends that the similarly situated co-accused namely Manpreet Singh @ Mappi has already been granted the concession of regular bail by the Coordinate



Bench of this Court vide order dated 03.12.2024 passed in CRM-M-17410-2024. The entire case of the prosecution hinges upon the last seen evidence. There is no direct evidence with regard to complicity of the petitioner. As per the case set up by the prosecution, the weapon used in the crime was taken into possession from the spot whereas later on, the same weapon was shown to have been recovered from the petitioner and as such, the false implication of the petitioner is clearly discernible. The prosecution's case was improved later on and on the basis of self-incriminating disclosure statement, the petitioner is alleged to have fired upon the deceased, which is contrary to the initial version set up in the FIR (supra).

4. Learned counsel for the petitioner further submits that the petitioner has suffered the incarceration of 03 years, 04 months and 16 days. There are total 19 prosecution witnesses cited in the list of witnesses, out of which, 02 PWs have been examined and 02 PWs have been given up till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate of the petitioner today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the complicity of the petitioner is duly established. The weapon of offence used in the alleged crime has been recovered from the petitioner. The petitioner is also involved in one more case, however,



he could not controvert the fact that the co-accused of the petitioner has already been granted the concession of regular bail.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 03 years, 04 months and 16 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges have been framed and trial of the case has not made much progress. Out of 19 prosecution witnesses, only 02 PWs have been examined so far and 02 PWs have been given up.

7. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

8. It has further been held in law that if a person is deprived of his liberty under a procedure which is not reasonable, fair, or just, such deprivation would be violative of his fundamental right under Article 21 of the Constitution of India. The procedure so prescribed must ensure speedy trial for determination of the guilt of such person. Some amount of denial of personal liberty cannot be avoided, but if the period of deprivation pending trial becomes excessively long, the fairness guaranteed by Article 21 of the Constitution of India would



come into play.

9. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- ***Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.***

10. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Paramvir Singh @ Pamm is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

12. The present petition seeking regular bail to the petitioner is allowed solely on the ground of long custody already undergone by him



and without commenting on the merits of the case, lest it may prejudice the outcome of the case pending before the learned trial Court.

(HARPREET SINGH BRAR)
JUDGE

05.08.2025
yakub

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