



CRM-M-13656 of 2025

-1-

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

224

CRM-M-13656 of 2025

Date of Decision: 04.12.2025

Mangal Singh @ Gauri

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Kuldip Singh, 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.101 dated 31.10.2023 registered under Sections 302, 307, 506, 148 and 149 of IPC and Sections 25/27 of the Arms Act (Section 201 of IPC added later on), at Police Station Sadar Kapurthala, District Kapurthala.
2. Brief facts of the present case are that the petitioner along with other co-accused, armed with deadly weapons, brutally attacked and caused injuries to the complainant and his son with an intention to kill them, due to which Vijay Kumar (son of the complainant) has died.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the

**CRM-M-13656 of 2025****-2-**

petitioner was neither present at the spot, nor was named in the FIR and he has no concern with the said incident. He argued that the alleged occurrence took place on 30.10.2023 but the FIR in question was registered on 31.10.2023 i.e. after a delay of 01 day, casting serious doubt on the prosecution story. He further argued that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused Gurpreet Singh @ Gopi, vide DDR No.16 dated 06.01.2024 that too after two months from the registration of FIR. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He further submits that even if the contents of the FIR are taken to be true, even then no specific injury has been attributed to the present petitioner and he is alleged to be only armed with datar. Further, co-accused Harman Singh @ Harman Kalsi and Gurpreet Singh @ Gopi have already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide orders dated 25.10.2024 and 14.11.2024, respectively. The petitioner is in custody since 15.01.2024 and nothing is to be recovered from him. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 46 prosecution witnesses in the case but none has 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.



CRM-M-13656 of 2025

-3-

4. On the other hand, learned State counsel, relying upon the status report, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He argues that the petitioner, along with other co-accused, was member of the unlawful assembly, armed with deadly weapons, has participated in the crime. He has further submitted that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender. However, he could not controvert the fact that the petitioner has not inflicted any injury to the deceased and his father (complainant).

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 01 year and 10 months; investigation is complete; challan stands presented; charges framed; no prosecution witness has been examined; the complicity of the petitioner is a matter of trial; the trial is proceeding at snail's pace, and will take a long time to conclude. Thus, 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*".



CRM-M-13656 of 2025

-4-

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. 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.***

9. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-



CRM-M-13656 of 2025

-5-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

10. 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

04.12.2025*D.Bansal*

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