



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

117+225-I

CRM-M-14389-2025(O&M)

Date of decision: 18.12.2025

Jaswinder Singh @ Kachu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : None for the petitioner.

ASI Jaspinder Singh, P.S. Kheri Gandian, Patiala.

AARADHNA SAWHNEY, J.(ORAL)

Upon a call given by Punjab and Haryana High Court Bar Association, the Members of the Bar are abstaining from work.

CRM-48480-2025

For the reasons mentioned in the application, the same is allowed. Annexure P-4 is taken on record subject to all just exceptions.

Main Case

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No.48 dated 12.06.2023 registered against him, u/s 302, 201, 328, 120-B of IPC at Police Station Kheri Gandian, District Patiala, has prayed for grant of bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Jasvir Singh, son of Ajmer Singh, resident of Village Pabri, Police Station Kheri Gandian, District Patiala, an agriculturist by profession, set the criminal law in motion by filing a complaint pointing therein that he is blessed with 2 sons. His elder son Balwinder Singh supplies milk. Ravinder Singh, the younger son, is working in Mohali. At about 07:30 P.M., on 11.06.2023, his elder son Balwinder Singh had gone to Rajpura on motorcycle (make Hero Honda) bearing registration No. PB-39J-2699 for supplying milk to customers



but did not return back home till late night. When the family tried to contact Balwinder on his mobile phone handset, the same was switched off. On 12.06.2023, when he along with one Surjit Singh were looking around for Balwinder, they noticed his motorcycle lying near a small pond at Village Bhirwal Jhugia. Drums of milk were also found lying nearby. Divers dived into the pond and recovered the dead body of Balwinder Singh, whose hands and feet had been tied with a red coloured plastic string. Complainant requested the police authorities to catch hold of all those who were responsible in the gruesome killing of his young son and requested to take appropriate action. On the basis of the said statement, a formal case vide FIR No.48 dated 12.06.2023 under Sections 302, 201, 34 of IPC was registered. Investigations were set into motion. Forensic team was called. Motorcycle of the deceased was taken into possession. The postmortem examination of the dead body was got conducted from Board of Doctors on 13.06.2023, after which the body was handed over to relatives for performing last rites.

A month later, complainant stated to the police authorities that he had strong suspicion on his daughter-in-law Rajni (wife of deceased) and her friend Gurwinder Singh @ Monty. While the matter was pending with the police authorities, one Kuldeep Singh also stated that when he had reached near the pond of village, he had seen Harbans Singh @ Happy, Jaswinder Singh @ Kachhu-present petitioner, Gurwinder Singh @ Monty, Baljinder Singh @ Bobby, coming from Hadda Rori of Village Damanheri. The boys were questioned as to why they were present at an abandoned place, upon which they told him (Kuldeep Singh) to mind his own business. On finding sufficient incriminating material, present petitioner namely Jaswinder Singh and others named Kuldeep Singh were arrayed as accused and Section 120-B IPC was added.

On 15.07.2023, the wife of the deceased namely Smt. Rajni



Kaur, present petitioner-Jaswinder Singh, Harbans Singh @ Happy, Baljinder Singh @ Bobby, Gurwinder Singh @ Monty were arrested, who all during the course of investigation confessed to their involvement in the commission of offence. As per prosecution, petitioner along with Gurwinder Singh and Baljinder Singh were hiding behind a wall of Hadda Rori, when deceased and Harbans Singh arrived. They confessed mixing Celphos tablets in the bottle of Coke and insisted deceased to consume the same, who initially refused but later was caught hold of by all of them and was forcibly made to gulp poisonous drink. Mobile phone of the deceased and his wallet were taken by petitioner and Baljinder Singh etc. It is further the case of prosecution that at the instance of petitioner, the mobile phone was recovered. After the receipt of FSL report, the doctors opined that deceased had died due to head injury which seemed to have occurred after intoxicating him with Aluminum Phosphide, which is sufficient to cause death.

Statements of witnesses were recorded. On culmination of investigation, challan was filed on 13.10.2023.

3. Petitioner/accused who was arrested on 15.07.2023 moved an application for grant of bail before the learned Additional Sessions Judge, Patiala. The same was dismissed vide order dated 19.02.2025. Aggrieved of the said order, the present petition has been filed.

4. Status report by way of an affidavit of Mr. Harmanpreet Singh, PPS, Deputy Superintendent of Police, Patiala, reveals that out of 35 prosecution witnesses more than 9 have been examined.

5. Contents of the petition perused.

6. Appended along with the petition is the copy of the order dated 27.08.2025 passed in CRM-M-10621-2024 vide which similarly situated co-accused Baljinder Singh was extended the concession of bail. Admittedly, the case of prosecution is based on circumstantial evidence, out of 35



prosecution witnesses, more than 9 have been examined, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

In ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012(1) RCR (Criminal) 586***, Hon'ble Supreme Court upheld the order of the High Court in granting bail to the second respondent/accused on the ground that he had been in custody for a long period and the possibility of the trial being concluded in the near future was remote.

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) *The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) *The petitioner will not tamper with the evidence during the trial.*
- (iii) *The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) *The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) *The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) *The petitioner shall not directly or indirectly coerce,*



induce, threaten 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 or tamper with the evidence in any manner.

(vii) The petitioner shall not in any manner misuse his liberty.

(viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

18.12.2025

Hemant

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