



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CRM-M No.22539 of 2025 (O&M)

Date of Decision: 26.11.2025

Nirmaljit Singh @ Jarmal

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Brijesh Nandan, Advocate for the petitioner.
(through hybrid mode).

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Section 302 IPC [Section 34 IPC added later on vide rapat No.34 dated 12.06.2024 and Sections 120-B/201 IPC added later on vide rapat No.39 dated 09.09.2024], the FIR No.78 dated 11.06.2024, has been lodged in Police Station Jhabal District Tarn Taran. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Sukhwinder Singh' son of 'Mukhtiar Singh' hereinafter being referred to as 'complainant' only. It was stated by the complainant that on 09.06.2024 his brother 'Lakwhinder Singh' received a call on his mobile phone, and thereafter, he left home on the pretext



of some urgent work, on his motorcycle. According to complainant, when he did not return, his son 'Arshdeep' called him on mobile phone but it was found to be switched-off. As per complainant, thereafter, his brother 'Lakhwinder Singh, was searched extensively and an application before the police was also moved. According to complainant, on 11.06.2024 he came to know about the presence of a dead body on the bank of canal, and that when he went there he found that the above mentioned dead body was of his brother 'Lakhwinder Singh'.

3. It is the case of the prosecution that in view of above mentioned development the FIR of this case was lodged and during the course of investigation the petitioner has been arrested.

4. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

5. Heard.

6. It has been contended on behalf of the petitioner that the petitioner is innocent, and his name does not figure in the FIR. As per learned counsel for the petitioner, the petitioner has already suffered a long incarceration for being in custody for a period of more than 1 year and 5 months, and that in the present case the trial is taking place at a snail pace, as out of 18 only 3 witnesses have been examined so far. While claiming that there is no evidence against the petitioner, the learned counsel for the petitioner has contended that on merit, as well as due to delay in trial, the petitioner is entitled for the benefit of bail.

7. The above mentioned arguments have been controverted by the



learned State counsel. The learned State counsel has contended that the instant case is based on circumstantial evidence and that the evidence available against the petitioner is quite strong and determinative in nature. As per learned State counsel, in every probability the involvement of petitioner in the commission of crime is likely to be proved. It has also been contented by learned counsel for the petitioner that there is no inordinate delay in disposal of trial pertaining to the present petition.

8. The record has been perused carefully.

9. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. They are:-

- i) that the petitioner has already suffered incarceration for a period of more than 1 year and 05 months;
- ii) that his name does not figure in the FIR;
- iii) that there is no eye-witness account implicating the accused in the commission of crime;
- iv) that the trial of the case is not likely to be concluded in near future, as out of 18 only 3 witnesses have been examined so far;
- v) that nothing is left to be recovered from the possession of the petitioner;
- vi) that the petitioner has clean antecedents;
- vii) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;
- viii) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence, or influence



the witnesses;

- ix) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate in the trial.

10. With regard to the legal aspect involved in the instant case, the principles of law laid down by the Hon'ble Supreme Court in the case of ***"Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131***, are relevant, wherein it has been observed that *"a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying*



bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

11. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘**Satender Kumar Antil Vs. Central Bureau of Investigation and Another**’, 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that “*the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice*”.

12. Recently, in the case of ‘**Tapas Kumar Palit Vs. State of Chhattisgarh**’, 2022 INSC 222, the Hon’ble Supreme Court of India has observed that “*if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed*”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “*delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the*



Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

13. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “*Balwinder Singh versus State of Punjab and Another*”, *SLP (Crl.) No.8523/2024*.

14. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail and that the present petition deserves to be allowed.

15. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from closing such facts to the Court or to any other authority;
- ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- iii) that the petitioner shall not leave India without prior permission



of the trial Court.

16. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

26.11.2025
Manoj Bhutani

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