



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

CRM-M-22751-2025 (O&M)
Reserved on : 08.12.2025
Pronounced on : 15.12.2025

Gurpreet Singh @Gurpita

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. Lupil Gupta, Advocate,
Mr. Sanjeet Sood, Advocate,
Mr. Akash Khurana, Advocate and
Mr. Varun Singla, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 304 and 120-B of Indian Penal Code, the FIR No.86 dated 16.08.2023 has been lodged in Police Station Bareta, District Mansa. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is first petition for bail filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being in the backdrop of following facts:-

On 16.08.2023, the dead body of Rajwinder Singh @Pappu was found and in response to abovementioned recovery, the brother



of deceased, namely Gurpreet Singh, hereinafter being referred to as 'complainant' only, stated that two days prior to the incident, i.e. on 14.08.2023, Gurpreet Singh @Gurprita (petitioner herein) had visited his home at 11:00–12:00 (forenoon), and that his brother, namely Rajwinder Singh @Pappu, left home along with the petitioner. As per complainant, when his brother did not return he made enquiries from the petitioner, who told him that Rajwinder Singh @Pappu was dropped at Guru Nanak College Budhlada. According to complainant, in the pursuit of tracing his brother, he and his friend repeatedly contacted Rajwinder Singh @Pappu, but could not get any clue, and ultimately the dead body of his brother was found. It was further stated by the above-named complainant that he had a doubt that something had been administered to his brother, due to which his brother passed away.

3. It is the case of the prosecution that in view of abovementioned statement formal FIR of this case for the commission of offence punishable under Sections 304/120-B of IPC, was lodged on 16.08.2023 and the investigation taken up. As per prosecution, the post-mortem of the dead body of Rajwinder Singh @Pappu was conducted, and during the course of investigation, the petitioner was arrested on 23.08.2023.

4. It has been alleged by the prosecution that on 01.10.2023, a supplementary statement of the petitioner was recorded, wherein it has been revealed that on the fateful day, i.e. on 14.08.2023, the petitioner and his brother Rajwinder Singh @Pappu had consumed heroin, which was sold to them by Lakhan and Ram. According to prosecution, in view of abovementioned statement, the accused Lakhan was arrested on 01.10.2023



and the custody of Ram Singh was procured by virtue of production warrant on 11.10.2023.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner has been falsely implicated in the present case, and that except the fact that there are allegations against the petitioner that deceased had left home along with the petitioner, there is no legally admissible evidence against him showing his involvement in the commission of crime. It has also been pointed out by learned counsel for the petitioner that otherwise also, the instant case is not a case of murder, rather of culpable homicide, and that as per medical opinion, the cause of death is not ascertainable.

7. As per learned counsel for the petitioner, except the disclosure statement of petitioner, which was recorded when he was in police custody, there is no evidence against the petitioner, and that the petitioner is facing prolonged incarceration for being in custody for a period of more than 02 years and 03 months. While contending that the trial is not likely to be concluded in near future, the learned counsel for the petitioner has urged for benefit of bail for the petitioner.

8. *Per contra*, the learned State Counsel has argued that allegations against the petitioner are of serious nature, and that the most relevant piece of evidence against the petitioner is that the deceased was last seen in the company of petitioner, and therefore, it is the obligation of the petitioner to explain under what circumstances the death of brother of complainant, namely Rajwinder Singh @Pappu, had taken place. The



learned State Counsel has pointed out that the petitioner does not have a clean antecedents, as he is also facing prosecution in some other case also, and is in custody in that case.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for arriving at any decision with regard to present petition: -

- i) that the petitioner in this case was arrested on 23.08.2023, and since then he has never been released from custody;
- ii) that except the disclosure statement, there is no legally admissible evidence available with the Investigating Agency. Thus, there is a question mark with regard to credibility and admissibility in evidence, of the abovementioned disclosure statement, as the same was recorded when the maker of it was in police custody;
- iii) that there is no incriminating material against the petitioner except the fact that as per allegations of complainant, the deceased had left home in the company of petitioner;
- iv) that the petitioner is already facing prolonged incarceration for being in custody for a period of more than 02 years and 03 months;
- v) that nothing is left to be recovered from the possession of petitioner;
- vi) that the trial is not likely to be concluded in near future;
- vii) that detention of petitioner in judicial lockup is not likely to serve any purpose;



viii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and

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

11. In the present 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(3) SCC 22, are also 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".



12. 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) 10 SCC 51, 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".

13. Recently, in the case of '**Tapas Kumar Palit Vs. State of Chhattisgarh**', 2025 SCC Online SC 322, 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".



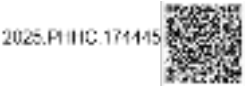
14. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to an undertrial prisoner, as mandated by Hon'ble Apex court in "**Balwinder Singh versus State of Punjab and Another**", 2024 SCC Online SC 4354.

15. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

16. 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 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 to disclose 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 learned trial Court.

17. 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 that regard.

(SURYA PARTAP SINGH)
JUDGE

15.12.2025

Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No