



CRM-M-31112-2025

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

CRM-M-31112-2025

Date of Decision: 21.08.2025

Gurdeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Chandan Singh Rana, Advocate,
Mr. V.K. Pujara, Advocate and
Ms.Komal Sohi, Advocate, for the petitioner.
Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.85 dated 21.07.2022 under Sections 302/34 IPC, registered at Police Station Meharban, District Police Commissionerate Ludhiana.
2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of complainant Ajmer Singh. It was alleged that he has four sons and two daughters. His son Balkar Singh @ Raj (deceased) was running a shop in the name of Raj Building Material Store at Tajpur Road near Central Jail, Ludhiana. His younger sons Satwinder Singh @ Motu and Gurdeep Singh (petitioner) also used to work with him in the shop. On 21.07.2022, his son Balkar Singh @ Raj went from home at about 1:30/2:00 p.m. in his Ertiga Car bearing registration No.PB10-GU-5720, however, he did not return. Call was made to him, but his phone was found switched off. They started searching his son and reached at the bank of Sutlej river in village Raur on the basis of GPS installed in the car. They found his son Balkar Singh @ Raju lying in the bushes. His body was brought out. They saw that his body was lying in the pool of blood and he



has already died. Request was made to take legal action against unknown persons. On the registration of the FIR, the investigation commenced. During the investigation, the Investigating Agency arrested one Saurav and he made a disclosure statement about the complicity of the petitioner. Thus, the petitioner was also arrayed as an accused and was arrested on 22.07.2022. On completion of the investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Ludhiana praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 05.07.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing CRM-M-46037-2024, however, the same was allowed to be dismissed as withdrawn vide order dated 04.11.2024. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner has been arrayed as an accused on the basis of presumption and assumption. He submits that prosecution had not been able to bring any credible evidence for the complicity of the petitioner except the disclosure statement of the co-accused. It is submitted that the petitioner is behind bars since the date of his arrest i.e. 22.07.2022 and hence, he has completed incarceration of more than three years, however, the trial is yet not concluded. He further submits that complainant in this case, who is none other than the father of the deceased, has not supported the case of the



prosecution. To buttress his arguments, he submits that the case of the prosecution is totally based on the circumstantial evidence, however, the chain of evidence is not completed and the case of the prosecution virtually being without any evidence, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. She has submitted that the petitioner is none other than the real brother of the deceased, who was working in the shop where the deceased was working. The dispute was regarding the ownership of the shop and it is on account of the same, the petitioner had given Rs.5 lacs to the co-accused, namely, Saurav to eliminate his brother Balkar Singh @ Raj (deceased). She submits that the petitioner had a strong motive to commit the murder of Balkar Singh @ Raj. On instructions, she submits that out of 20 prosecution witnesses, 12 witnesses have been examined. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on circumstantial evidence. The petitioner was arrested on the disclosure statement of the co-accused. The complainant, who is father of the deceased, has not supported the case of the prosecution. The custody certificate of the petitioner would show that the petitioner has suffered incarceration of 03 years & 23 days as on 20.08.2025. It further reveals that the petitioner is involved in one more case.

6. The trial of the case is likely to take sufficient time. Speedy trial



is the right of every accused. The Hon'ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

7. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.



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10. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

21.08.2025

sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No