

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-25854 of 2025

Reserved On: 06.11.2025

Pronounced On: 07.11.2025

Dilbag Singh alias Baga

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. J.S.Ghuman, Advocate
for the petitioner(s).

Mr. Rohit Bansal, Senior Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 103 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred as “BNS” only, the FIR No. 66 dated 18.09.2024 has been lodged in Police Station Lohian, District Jalandhar Rural, Punjab.

2. During the course of investigation of above mentioned case, the petitioner was arrested on 19.09.2024. The petitioner is in custody since then, and therefore, for the concession of bail he has approached this Court, by virtue of present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.

3. Briefly stating the facts emerging from record are that the FIR

of this case came into being on the statement of Baldish Kaur, the daughter

of deceased/victim, hereinafter being referred to as “complainant” only. It was stated by her that on 17.09.2024. her father had gone for strolling in the street at about 08:00 P.M.. As per complainant, at about 10/10:30 P.M. when his father returned, his entire body was smudged with blood and on enquiry by her, it was told by her father that Dilbag Singh alias Baga, Gurjit Singh and Tejpal Singh had beaten him up with the help of sticks. According to complainant, her father had suffered injuries on his various body parts, i.e. on his head, legs & hands, and that in the night he went to sleep but in the morning she found him dead.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent, and that he has been implicated in the present case merely on the basis of hearsay evidence. As per learned counsel for the petitioner, the complainant, who has nominated the petitioner, was not present at the spot, and that in the present case, the petitioner has already suffered a long incarceration for being in custody for a period of more than 1 year & 1½ month. According to learned counsel for the petitioner, the entire case is resting upon the statement of complainant, namely Baldish Kaur, and that she has already been examined by the prosecution and in her testimony she has not supported the prosecution. According to learned counsel for the petitioner, on this ground itself the benefit of bail has been accorded to co-accused, namely Gurjit Singh, by the learned trial Court, by virtue of order dated 17.10.2025.

6. Per contra the learned State counsel has argued that allegations against the petitioner are for the commission of very serious offence, i.e.

commission of murder, and that the instant case is based upon the statement made by the deceased before the complainant which can be termed to be the dying declaration. By claiming that there is no unreasonable delay in trial, the learned State counsel has sought for dismissal of the present petition.

7. The record has been perused carefully.

8. A careful perusal of record shows that in the present case, following are the relevant factors which are necessary to be taken in to consideration for decision of the present petition:-

- i) that the petitioner is already in custody for a period of more than 1 year & 1½ month;
- ii) that the star witness of the prosecution, i.e. complainant before whom the alleged dying declaration was made, has not supported the prosecution case;
- iii) that the benefit of bail has already been accorded to the co-accused, namely Gurjit Singh by the learned trial Court;
- iv) that nothing is left to be recovered from the possession of petitioner;
- v) that detention of the petitioner in judicial lock-up is not likely to serve any purpose; and
- vi) 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 prosecution witnesses.

9. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of "***Dataram***

versus State of Uttar Pradesh and another”, 2018(2) R.C.R. (Criminal) 131, has 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.”

10. 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 above mentioned 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.”

11. 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 above mentioned 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.”*

12. 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.**

13. If the cumulative effect of all the above mentioned 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.

14. 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:-

- a) 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;
- b) 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 conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

15. 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.

16. It is, however, made clear that any observation made here-in-

shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

November 07, 2025
“DK”

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