



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

CRM-M No.30881 of 2025 (O&M)

Reserved on: 15.10.2025

Date of Decision: 29.10.2025

Jagtar Singh @ Tari

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Mr.R.S.Waraich, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

Mr. H.S.Randhawa, Advocate and
Mr. P.S.Ahluwalia, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 302 and 34 of IPC, the FIR No.36 dated 09.05.2024, has been lodged in Police Station Sherpur, District Sangrur. 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 under Section 483 of BNSS for grant of bail.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on the statement of complainant Jarnail Singh, hereinafter being referred as complainant only. It was stated by the above named complainant that his son namely Sahib Singh, the victim, was posted as ETT Teacher in Government Primary School, Wajidpur Badesha and that on 09.05.2024 he had left home for the school at about 07.20 A.M. According to



above named complainant at about 08.15 A.M. he received a phone call from Rajwinder Singh, Head Teacher, who informed him that his son, namely Sahib Singh, had been killed near the drain pavement by some unknown persons by hitting some spear or pointed weapon on his chest. The complainant further alleged that he along with his relative Nachhattar Singh reached the spot and found the dead body of his son.

3. It is the case of the prosecution that on the basis of above mentioned statement formal FIR of this case was lodged and the investigation taken up. According to prosecution, during the course of investigation, video footage captured in CCTV camera were checked and secret inquiries were made. According to prosecution, during the course of investigation the statement of Vicky was recorded on 10.05.2024 who stated that on that day when he was going on his motorcycle to meet his friend in village Manal on the way, near Bus Stand Badi, two persons riding on a motorcycle met him and disclosed their names as Harjot Singh and Jagtar Singh. According to above named witness they also told him that the deceased Master Sahib Singh was threatening the petitioner due to some enmity and that after observing the timings of his duties, they had intercepted him and inflicted injuries with the help of pointed weapon.

4. Heard.

5. It has been contended by learned counsel for the petitioner that the petitioner is innocent, having no nexus, whatsoever, with the commission of crime and that without any convincing and legally admissible evidence, they have been roped up in the present case. According to learned counsel for the petitioner the petitioner has already suffered a lot of incarceration for being in



custody for a period of more than 1 year and 05 months, and that the trial is not likely to be concluded in near future and that the petitioner has no criminal antecedents.

6. Per contra, the learned State counsel being assisted by learned counsel for the complainant has argued that the present case is a case based on circumstantial evidence and that there is an extraordinary judicial confession of the petitioner made in the presence of witness Vicky. As per learned State counsel a heinous crime has been committed by the petitioner and the trial is still at infant stage, and, therefore, the petitioner is not entitled for the benefit of bail.

7. The record has been perused carefully.

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

- i). that petitioner is already in custody for a period of more than 1 year and 5 months;
- ii) that there is no eye-witness account to show the involvement of petitioner in the commission of offence;
- iii) that entire prosecution case is based upon an extra judicial confession made before witness Vicky;
- iv) that the extraordinary judicial confession is unnatural in view of the fact that witness Vicky was not known to the petitioner and the same is stated to have been made to a stranger without any occasion on a roadside;
- v) that nothing is left to be recovered from the possession of petitioner;



- vi) that trial of the case is not likely to be concluded in near future;
- vii) that detention of the petitioner in judicial lock up is not likely to serve any purpose;
- viii) that petitioner has no criminal antecedents;
- ix) 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.

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 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*”.

11. 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.

12. 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 the present petition deserves to be allowed.

13. 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 bail bonds and surety to the satisfaction of 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 disposal of the case; and
- iii) that the petitioner shall not leave India without prior permission of the trial Court.

14. 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

29.10.2025
Manoj Bhutani

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