



CRM-M-35608 of 2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-35608 of 2025

Date of Decision: 11.11.2025

Sukhchain Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Harpal Singh Sidhu, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.71 dated 19.09.2023 registered under Sections 302, 120-B and 212 of the IPC and Sections 25/27 of the Arms Act, at Police Station Mehna, District Moga.
2. Brief facts as per the prosecution case are that the petitioner along with other co-accused, namely, Krishan Kumar, Parminder Singh @ Parvinder Singh and Gurwinder Singh @ Kaka committed murder of Baljinder Singh (husband of the complainant), due to some altercation between them.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that neither the

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petitioner was named in the FIR nor has any concern with the said offence. He further argued that the only allegation against the petitioner is that he has provided shelter and harboured the assailants who committed the murder of Baljinder Singh but there is no evidence to connect the petitioner with the alleged crime. Further, co-accused Gurdeep Singh and Parminder Singh @ Parvinder Singh have already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide orders dated 23.10.2024 and 12.05.2025, respectively. The petitioner is in custody since 26.09.2023. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 25 prosecution witnesses and out of which, only 07 have been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has already filed the status report in the matter and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature as he was involved in the heinous crime of murder of one Baljinder Singh (husband of the complainant). He has further submitted that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it transpires that no injury has been attributed to the petitioner and rather the only allegation against him is that he gave shelter to co-accused who committed murder. It is not disputed that



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the petitioner is in custody for the last more than 02 years; investigation is complete; challan stands presented; charges framed; the trial is proceeding at snail's pace; out of 25 witnesses, only 07 have been examined till date and the trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out



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the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

11.11.2025*D.Bansal*

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