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

CRM-M-40980-2025

Date of Decision: 05.08.2025

Manga

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sultan Singh Gill, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.19 dated 25.01.2021 under Sections 302/34 of IPC, 1860, registered at Police Station Majitha, District Amritsar Rural (Annexure P-1).

2. Succinctly, facts of the case are that a complaint was lodged by complainant Sukhchain Singh. It was alleged that that his brother Jobanpreet Singh was about 31 years of age and he was doing the business of finance for which he used to collect loan installments. On 25.01.2021 at about 10:30 a.m. his brother Jobanpreet Singh left home alongwith his friend Shamsheer Singh @ Shera to collect the installments. At about 04:30 p.m., the complainant and his brother Gurkirtan Singh were present at Subzi Mandi, Majitha where they saw his brother Jobanpreet talking with Roshan Singh. Thereafter, his brother Jobanpreet Singh went with Roshan Singh on his scooty. Subsequently, the complainant received a message that Roshan Singh was fighting with his brother Jobanpreet Singh in his house. He went

there and saw that his brother Jobanpreet Singh was lying down and Aman and Manga (petitioner) had tied a parna around his neck. Roshan Singh was giving Datar blows on the head and face of his brother. On raising the alarm, all the accused fled away from the spot. Due to the injuries his brother Jobanpreet Singh died. Request was made to take legal action against the culprits. On the basis of the complaint, the FIR was registered and the investigation commenced. Postmortem of the dead body was conducted. The petitioner was arrested on 27.01.2021. On completion of the investigation, challan was presented and the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Amritsar, praying for grant of regular bail, however, on hearing both the sides, learned Court declined the same vide order dated 28.03.2025. Hence, the petitioner is before this Court by way of filing the present third petition praying for grant of regular bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Ranjit Singh @ Aman and Rajbir Singh @ Raju. He has drawn the attention of this Court to the orders dated 29.10.2024 passed in **CRM-M-65430-2023 and CRM-M-49001-2024** whereby, both the above mentioned accused have been granted regular bail by this Court. He has submitted that the case of the petitioner is at par with the said co-accused. He submits that the petitioner is in custody since 27.01.2021. He submits that the petitioner has no criminal antecedents. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Prabhjit Singh @ Prabh and Rajbir Singh @ Raju. He has placed on record the custody certificate of the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 27.01.2021. Co-accused, namely, Ranjit Singh @ Aman and Rajbir Singh @ Raju are on bail and the case of the petitioner as stated is at par with them. As per custody certificate, the petitioner has suffered incarceration of 04 years, 05 months & 23 days as on 04.08.2025. It further reflects that the petitioner is not involved in any other case.

6. As per law settled, 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. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides, 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 on the basis of parity. 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.

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

05.08.2025

Parveen Kumar

(RAJESH BHARDWAJ)
JUDGE

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