



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-43159 of 2025

Date of Decision: 28.11.2025

Lovejit Singh alias Jarila

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

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

Present: Mr. Malkiat Singh Hundal, 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 302 of the Indian Penal Code, 1860, hereinafter being referred to as “IPC” only, the FIR No. 44 dated 28.03.2024 has been lodged in Police Station Kamboj, District Amritsar Rural, Punjab. This is first petition for bail, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.

2. Briefly stating the facts emerging from record are that the above mentioned FIR came into being at the instance of ‘Sushil Kumar’ son of Harikrishan Lal, hereinafter being referred to as “complainant” only. It was alleged by the complainant that his son, namely ‘Ankit Bawa’ was working as Labourer in a factory known as ‘Sanj Private Limited’, Mehta Road, New Focal Point, Amritsar. According to complainant, his son was having

friendship with Jatinder Singh alias Kalu, a drug addict. As per complainant, on 27.03.2024 his son was called by Jatinder Singh alias Kalu during day time and that till 04:00 P.M. on 28.03.2024 the whereabouts of his son were not known. It was further stated by the complainant that at about 04:00 P.M. on 28.03.2024 a crowd had gathered on the road near canal in village Udhian, and that when they went there they found that dead body of his son Ankit Bawa was lying there. While alleging that Jatinder Singh alias Kalu had called his son with an intention to kill him because he was upset due to their resistance against the meeting of their son with Jatinder Singh alias Kalu. It is the case of prosecution that in view of above mentioned statement, the formal FIR of this case was lodged and the investigation taken up.

3. Notice of motion.

4. Since advance notice has already been served upon the State, Mr. Rohit Bansal, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent, and waives service.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, there is no eye witness account in the present case and merely on the basis of an assumption that the petitioner was annoyed due to resistance by the complainant against the meeting of his son with the petitioner, the petitioner is being subjected to prolong incarceration.

According to learned counsel for the petitioner, any convincing and reliable

evidence does not exist to establish link between the commission of crime and the petitioner, and that the petitioner has already suffered a prolonged incarceration for being in custody for a period of almost one year & eight months. It has also been pointed out by learned counsel for the petitioner that during the above mentioned period of almost one year & eight months, there is no progress in the trial as even the charge has not been framed.

7. It has also been contended by learned counsel for the petitioner that once the charge is framed, thereafter, the list of witnesses shows that 19 prosecution witnesses have to be examined by the prosecution, and that recording of their testimonies will definitely consume a lot of time. While claiming that due to delay in trial, the fundamental right of life and liberty guaranteed under the Constitution of India is being violated, the learned counsel for the petitioner has urged for the release of petitioner on bail.

8. Per contra, the learned State counsel has argued that the allegations against the petitioner are very categorical and specific with regard to commission of murder of son of complainant. As per learned State counsel, in view of the gravity of above mentioned offence, duly supported with reliable evidence, the petitioner is not entitled for the benefit of bail. It has been further contended by learned State counsel that during the course of investigation the post-mortem examination of dead body of the deceased was got conducted, and that on custodial interrogation of the petitioner he had suffered a disclosure statement wherein he confessed that he along with the deceased and three more persons, namely Charanjit Singh, Sahil Singh alias Bittu, Dilbagh Singh alias Bagha and Lovejit Singh alias Jarila had consumed liquor and thereafter, they entered into arguments which led to

scuffle, and that they thrashed the deceased which led to his death. According to learned State counsel counsel, the above mentioned evidence *prima facie* proves the involvement of petitioner in the commission of crime.

9. In addition to above, the learned State counsel has also argued that in the present case, the total period of custody of petitioner is only one year, seven months & 28 days, which by any standard cannot be said to be a period of prolonged incarceration. According to learned State counsel, the petitioner does not have clean antecedents as he has been prosecuted in two other cases under the Narcotic Drugs and Psychotropic Substances Act, 1985, also. In view of above, the learned State counsel has sought for dismissal of the present petition.

10. The record has been perused carefully.

11. A careful perusal of record shows that in the present case, there are several relevant factors which are required to be taken into consideration for arriving at any decision with regard to instant bail petition. Those factors are:-

- i) that the petitioner is already in custody for a period of almost one year & eight months;
- ii) that the trial in the instant case is yet to commence as the charge is yet to be framed;
- iii) that there is no eye witness account to prove the involvement of petitioner in the commission of crime;
- iv) that the entire prosecution case is resting upon the plea that the petitioner has suffered a disclosure statement.

The above mentioned disclosure statement was suffered by the petitioner when he was in police custody and therefore, for want of discovery of any fact pertaining to above mentioned case, *prima facie* the above mentioned disclosure/confessional statement seems to be hit by Section 23 of Bharatiya Saksharta Adhiniyam, 2023.

- v) that since the charge has not been framed, the trial is not likely to be concluded in near future;
- vi) that nothing is left to be recovered from the possession of petitioner;
- vii) that the trial is not likely to be concluded in near future;
- viii) that further detention of petitioner is not likely to serve any purpose;
- ix) that there is no criminal history of the petitioner with regard to involvement in any hurt case;
- x) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- xi) that there is nothing on record to show that while on bail the petitioner will not participate/cooperate in the trial.

12. 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.”

13. 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) 10 SCC 51, 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.”

14. Recently, in the case of **‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322** 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.”*

15. 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 2024 SCC Online SC 4354**.

16. 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 peti-

tion deserves to be allowed.

17. 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.

18. 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.

19. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

20. Before parting ways with this order, it shall not be out of place to mention here that during the course of hearing of this petition for bail, it

has been found, as reported by the Presiding Officer of the trial Court, that the delay in trial is squarely attributable to the State of Punjab who has repeatedly failed on many occasions to produce the undertrials before the trial Courts. With regard to above, although an explanation has been submitted by the Superintendent of Police (Headquarters), Amritsar, who is represented by Mr. Gurjeet Pal Singh, Superintendent of Police, Amritsar Rural, is present in person in the Court today, but the above mentioned explanation on the face of it is not convincing at all. Thus, the learned Sessions Judge, Amritsar, is requested to hold a meeting with the concerned authorities of Police Department vis-a-vis Jail Department and ensure that in this era of digital world the accused should be produced either physically or through virtual mode. The learned Sessions Judge, Amritsar, is requested to supervise the results of action taken by the concerned authorities in the next one month and thereafter, submit a report especially specifying as to whether there is any improvement with regard to above mentioned issue or not. Once the report received, the Registry is directed to list the same as IOIN in the third week of January, 2026.

(Surya Partap Singh)
Judge

November 28, 2025
“DK”

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