



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M No.47353 of 2025 (O&M)

Date of Decision: 26.11.2025

Satpal Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Aman Kumar, Advocate for the petitioner.

Mr. I.P.S.Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 302, 307, 341, 323 and 34 IPC, the FIR No.195 dated 14.08.2022, has been lodged in Police Station Lambi, District Sri Muktsar Sahib. 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 under Section 483 of BNSS. This is third petition for grant of bail.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Rajpal Kaur; who stated that on 13.08.2022 at about 7.30 P.M. when she along with her husband 'Narsi Singh' and uncle 'Jagan Singh' was going on foot, she noticed that her son 'Sona' and nephew 'Rinku Singh', travelling on a motorcycle, crossed them. According to complainant on their way ahead 'Satpal' and 'Heera Singh' armed with iron rod and iron spade (kasoli), respectively, stopped them and launched an attack upon them, wherein injuries on their person were inflicted. The complainant



further alleged that the injury suffered by her son 'Jaswinder Singh' @ 'Sona' proved to be fatal, whereas his nephew suffered grievous injury.

3. It is the case of the prosecution that in view of above mentioned statement formal FIR of this case was lodged, the investigation was taken-up. As per prosecution, during the course of investigation the petitioner was taken into custody.

4. The learned State Counsel has filed custody certificate of the petitioner and reply by way of affidavit of Deputy Superintendent of Police, Sub Division Lambi, District Muktsa Sahib. The same be taken on record.

5. Heard.

6. It has been contended on behalf of the petitioner that the petitioner is innocent, who has been simply implicated in the present case on the basis of previous enmity. According to learned counsel for the petitioner the story set-up by the prosecution with regard to presence of complainant on the spot is, too unnatural to inspire confidence. According to learned counsel for the petitioner it is far from believable that the parents of deceased were watching the incident, but they did not interfere or made any attempt to rescue the deceased from the clutches of assailants.

7. In addition to above, the learned counsel for the petitioner has also argued that otherwise also the petitioner has suffered long incarceration for being in custody for a period of 03 years and 03 months, and that no significant progress in the trial is taking place despite direction by this Court. As per learned counsel for the petitioner 17 witnesses in the present case are yet to be examined. While claiming that the petitioner is being subjected to prolonged incarceration due to delay in trial, it has been urged by learned



counsel for the petitioner that petitioner is entitled for the benefit of bail.

8. The above mentioned arguments have been controverted by the learned State counsel. As per learned State counsel the present petition is third petition in a row moved by the petitioner and that from the date of dismissal of former bail petition on 21.10.2024, no significant change in circumstances has taken place. It has also been contended by learned State counsel that allegations against the petitioner are for the commission of serious nature of offence, and therefore, he is not entitled for the benefit of bail.

9. The record has been perused carefully.

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

- i) that the petitioner has already suffered incarceration for a period of 3 years and 03 months;
- ii) that from the date of dismissal of former bail petition on 21.10.2024, no significant progress in trial has taken place, despite the lapse of more than 1 year;
- iii) that almost 50% of the witnesses are yet to be examined;
- iv) that the trial of the case is not likely to be concluded in near future;
- v) that nothing is left to be recovered from the possession of the petitioner;
- vi) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;
- vii) 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;

- viii) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate in the trial.

11. With regard to the legal aspect involved in the instant case, the principles of law laid down by the Hon'ble Supreme Court in the case of ***"Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131***, are relevant, wherein it has been 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”.

12. 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*”.

13. 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 abovementioned 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*”.



14. 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*.

15. 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 that the present petition deserves to be allowed.

16. 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:-

- 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 decision of the trial; and
- iii) that the petitioner shall not leave India without prior permission of the trial Court.

17. 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

26.11.2025

Manoj Bhutani

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