



CRM-M-47216-2025

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

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**CRM-M-47216-2025**  
**Date of Decision: 01.09.2025**

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GURPREET SINGH @ KUKI

....PETITIONER

*Versus.*

STATE OF PUNJAB

....RESPONDENT

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**CORAM: HON'BLE MR. JUSTICE Rajesh Bhardwaj**

Present: - Mr.Amit Dhawan, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

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**RAJESH BHARDWAJ, J. (ORAL)**

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.40 dated 01.05.2022 under Sections 323, 308, 34 IPC, 1985, registered at Police Station Mehatpur, District Jalandhar (Rural).

2. Succinctly, facts of the case are that FIR was registered in the present case on the statement of Rajwinder Singh @ Raju (injured) alleging that he was working as a labourer. On 21.04.2022, when he was present in his house, he heard noise of his neighbourer-Karnail Singh quarrelling with co-accused Jalwant Kaur. He went to pacify them. However, Jalwant Kaur exhorted her son Gurpreet Singh @ Kukki (petitioner herein) to teach him a lesson for helping Karnail Singh. On her exhortation, Gurpreet Singh @ Kukki (petitioner herein) went on the roof-top with intention to kill him and hit him with the brickbat. He fainted and fell down on being hit and was shifted to Civil Hospital, Mehatpur and then referred to Civil Hospital, Jalandhar. As he remained unconscious there, thus he could not register the



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FIR. Thus, after getting consciousness, the request was made for taking legal action against the culprits. On registration of the FIR, investigation was conducted. Petitioner was arrested on 06.06.2022. He approached the Court of learned Additional Sessions Judge, Jalandhar and prayed for grant of bail. However, after hearing the parties, finding no merits, the same was declined on 18.08.2022. Aggrieved by the said order, petitioner had earlier approached this Court by filing seven different petitions. However, the same were dismissed as withdrawn. Hence the petitioner is before this Court by way of present 8<sup>th</sup> petition.

3. It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. As per the case of the prosecution, petitioner had no intention so as to hit and cause injury to the complainant as is evident from the allegations. It is submitted that even otherwise the alleged injury has been caused by brickbat thus, it is evident that the petitioner was not armed with any lethal weapon. It is submitted that petitioner is behind bars since the date of his arrest. He completed incarceration of more than 3 years. However, prosecution has not able to conclude the trial thus, fundamental right of the petitioner for speedy trial is also defeated. It is further submitted that the occurrence in the present case has taken place on 21.04.2022 whereas, FIR had been lodged on 01.05.2022. It is evident from the record that the injured remained unconscious and regained consciousness on the same day. However, despite that FIR has been lodged with an unexplained delay of 10 days. It is submitted that material witnesses have already stand examined and thus in the facts and circumstances, petitioner be granted bail.

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4. Learned counsel for the State opposes the bail petition stating that the petitioner had played specific role in causing injury to the injured. He submits, on instructions, that out of 20 prosecution witnesses, 13 witnesses remain to be examined. He has produced custody certificate of the petitioner today in Court which is taken on record.

5. On hearing, it is deciphered that the petitioner has been arrested on 06.06.2022. The alleged injury caused to the complainant by the petitioner is with brickbat. From the perusal of record, it reveals that occurrence is of dated 21.04.2022 and FIR got registered on 01.05.2022. Custody certificate shows that custody period of the petitioner is 03 years 02 months and 25 days as on 31.08.2025. There is one more case lodged against the petitioner in which he has been taken on production warrants. Out of the total 20 witnesses, 7 material witnesses have been examined.

6. The trial of the case is likely to take sufficient time. 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.”*

The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra,**



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**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.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, 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.

8. 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. It is being clarified that in the case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

**01.09.2025**

*Vivek*

**(RAJESH BHARDWAJ)  
JUDGE**

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