



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

CRM-M No.49238 of 2025 (O&M)

Reserved on: 27.10.2025

Date of Decision: 31.10.2025

Kuldeep Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Mr.H.S.Batth, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 302, 452, 449 and 34 IPC [Section 148, 149 IPC deleted and Section 34 IPC added during investigation], the FIR No.32 dated 09.04.2022, has been lodged in Police Station Bhikhiwind, District Tarn Taran. 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. This is second petition under Section 483 of BNSS.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on the statement of Jaskarn Singh who stated that on 08.04.2022 at about 6.30 P.M when he along with his brother Gursahib Singh was standing in the street in front of his house, he had an altercation with Kuldeep Singh and Gursharan Singh, with regard to payment of due amount of daily wages. According to complainant, when Gursahib Singh inquired about



the issue Kuldeep Singh, Shamsher Singh, Surta Singh, Sarwan Singh, Gursharan Singh and Kala, launched an attack upon Gursahib Singh and thrashed him brutally.

3. According to complainant, the above mentioned matter was patched up, and after 20 minutes Kuldeep Singh, Shamsher Singh, Gursharan Singh and Kala in connivance with each other again thrashed his brother Gursahib Singh, dragged him in the street and then Kuldeep Singh and Kala, who were carrying bricks in their hands, and Sarwan Singh, who was carrying a wooden handle, started hitting his brother Gursahib Singh with the above mentioned weapons and that his brother succumbed to the injuries suffered by him in the above mentioned incident.

4. Heard.

5. It has been contended by learned counsel for the petitioner that this is second bail petition by the petitioner and that is maintainable *firstly*, because the former bail petition was not decided on merits and *secondly*, because after the dismissal of former bail petition there is significant change in material circumstances. According to learned counsel for the petitioner after the decision of former bail petition this Court has afforded the benefit of bail to the co-accused Sarwan Singh to whom similar role has been attributed.

6. In addition to above, the learned counsel for the petitioner has also argued that another development in this case is that initially three accused were not prosecuted by the police but subsequently by invoking the jurisdiction vested in trial Court by virtue of Section 319 Cr.P.C. three additional accused have been summoned by the learned trial Court which is going to result into *de*



novo trial. As per learned counsel for the petitioner, the petitioner has already suffered a lot of incarceration, i.e. for a period of more than 3 years and 4 months, and that the trial is not likely to be concluded in near future.

7. Per contra, the learned State counsel has argued that allegations against the petitioner are quite specific and direct, and that the name of the petitioner figures in the FIR itself. According to learned State counsel the offence allegedly committed by the petitioner is very serious in nature being punishable with capital punishment/life imprisonment and, therefore, in view of gravity of offence also the petitioner is not entitled for the benefit of bail.

8. The record has been perused carefully.

9. 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 petitioner is already in custody for a period of more than 3 years and 4 months;
- ii) that trial of the case is not likely to be concluded in near future, as on account of summoning of additional accused the trial is to take place right from the stage of framing of charge and its conclusion will definitely take a lot of time;
- iii) that benefit of bail has already been accorded to the similarly placed co-accused;
- iv) that former bail petition of the petitioner was not decided on merits;
- v) that there is significant change in material circumstances as on account of summoning of additional accused trial has to take



place *de novo*;

- vi) that nothing is left to be recovered from the possession of the petitioner;
- vii) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;
- viii) 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.

10. 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”.

11. 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*”.

12. 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.

13. 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 the present petition deserves to be allowed.

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

14. 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

31.10.2025
Manoj Bhutani

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