



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-51113 of 2025

Reserved On: 03.11.2025
Pronounced On: 07.11.2025

Gurpreet Singh alias Kala

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

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

Present: Mr. Munish Raj Chaudhary, Advocate
for the petitioner(s).

Mr. I.P.S.Sabharwal, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 105 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred as “BNS” only, the FIR No. 58 dated 26.07.2025 has been lodged in Police Station Mehal Kalan, District Barnala, 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 on the statement of Bhupinder Singh, hereinafter being referred to as “complainant” only. It was stated by the complainant that his son Beant Singh was having friendship with Harnam Singh, Mangu Singh, Jagdeep and Gurpreet Singh, who were drug addicts.

According to complainant, on 25.07.2025, his son, namely Beant Singh had

suddenly fainted and therefore, he was taken to Civil Hospital, Mehal Kalan, where he was declared dead. It was also stated by the above named complainant that on 26.07.2025, he had given a statement that his son had consumed alcohol at night and that he was admitted in the hospital at Mehal Kalan. As per the complainant, he was under impression that the death of his son was natural but later on he came to know that as he was mentally upset and he might have consumed something like alcohol or drug. According to complainant, on his own enquiry, he came to know that Harnam Singh, Mangu Singh, Jagdeep and Gurpreet Singh, who were drug addicts and also involved in trading of drugs had forcibly drugged his son despite knowing that the above mentioned quantity of drug could kill him.

3. 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.

4. Heard.

5. 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 already faced a lot of incarceration for being in custody for a period of more than three months. According to learned counsel for the petitioner, the petitioner has clean antecedents, and that the death of the son of petitioner has occurred due to drug overdose, but later on by changing his initial version, the complainant had shifted blame upon the petitioner for the death of his son. While claiming that nothing is left to be recovered from the possession of petitioner, the learned counsel for the petitioner has sought for the benefit of bail for the petitioner.

6. While controverting the above mentioned arguments, the learned State counsel has argued that allegations against the petitioner are of grievous nature as the son of complainant has been killed by the petitioner. As per learned State counsel in the present case, the petitioner is not even entitled for the benefit of bail on the ground of delay in trial, as his total custody period is just more than three months. While claiming that the release of petitioner on bail may adversely impact the trial, the learned State counsel has sought for dismissal of the present petition.

7. The record has been perused carefully.

8. A careful perusal of record shows that in the present case, following are the relevant factors which are necessary to be taken in to consideration for decision of the present petition:-

- i) that the initial version of the complainant was that the death of his son was a natural death, but later on on the basis of his personal enquiry at his own level, he alleged that his son had been killed.
- ii) that the petitioner is in custody for a period of more than three months;
- iii) that the investigation in this case is already complete and the final report before the Court has already been presented;
- iv) that except the case regarding vehicular accident, the petitioner has no criminal antecedents;
- v) that the trial is not likely to take place in near future as it has not yet commenced;

- vi) that nothing is left to be recovered from the possession of the petitioner;
- vii) that the detention of petitioner is not likely to serve any purpose; and
- 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 prosecution witnesses.

9. 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.”

10. 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 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.”*

11. 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 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.”

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. 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 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:-

- 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.

15. 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.

16. 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.

(Surya Partap Singh)
Judge

November 07, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No