



CRM-M-51038-2025 (O&M)

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

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CRM-M-51038-2025 (O&M)
Date of decision : 01.12.2025

Akashdeep Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Vikas Gupta, Advocate for the petitioner.

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

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Sections 302, 506, 148, 149 and 323 of Indian Penal Code and Sections 25 & 27 of Arms Act, the FIR No.07 dated 03.01.2023 has been lodged in Police Station Goindwal Sahib, District Tarn Taran. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is second petition for bail filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of Nishan Singh, who stated that on 03.01.2023 at about 08:11 pm, when he along with his father was going towards Shivala temple, and when they were near *Janjh Ghar* (community center), Akashdeep S/o Dalbir Singh was present there, who was armed with



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a pistol. According to complainant, along with Akashdeep Singh, Dalbir Singh and two other unknown persons were also there, and when they spotted the complainant and his father, they extorted to teach him a lesson and 'Akashdeep Singh' fired a gunshot with the help of pistol, which hit his father on his head, and he fell down. According to complainant, thereafter Akashdeep Singh fired another gunshot aiming him (complainant), but he ducked and managed to save him, but the bullet passed close to his forehead. As per complainant when he screamed for help, Gurnam Singh came on the spot, and he shifted the complainant and his father to the hospital, where father of the complainant passed away. It was further alleged by the complainant that he had suffered only minor injuries.

3. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

4. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. Status report has already been placed on record by the State.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner is innocent, who has been falsely implicated in the present case. During the course of arguments, the learned counsel for the petitioner has contended that in fact the complainant himself was nursing a grudge against the petitioner due to relationship between his sister and the petitioner, and that with an intention to teach a lesson to the petitioner, the countrymade pistol was used by the complainant to fire gunshot upon the petitioner, but



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accidently the gunshot hit the father of the complainant, and thereafter, by twisting the fact the petitioner has been implicated in the present case.

7. It has also been contended by learned counsel for the petitioner that an unnatural story has been set up by the complainant, as the complainant has tried to project that he along with his father was going to the temple, and that the way, from the house of complainant to the temple, does not pass through the community center.

8. In addition to above, the learned counsel for the petitioner has also contended that otherwise also the petitioner has already suffered prolonged incarceration for being in custody for a period of more than 02 years and 10 months, and that despite such a long period of incarceration, out of 21 prosecution witnesses, only 07 have been examined so far. According to learned counsel for the petitioner, the charges in this case were framed on 07.10.2023, and that the only independent eye-witness in this case, has already been examined, and therefore, there is no chance of influencing of witnesses by the petitioner.

9. It has also been contended by learned counsel for the petitioner that although this is second petition for bail, moved by the petitioner, but the petitioner has got a right to move the second petition for bail, firstly because of prolonged delay in conducting of trial; secondly because the first bail petition was not decided on merits, and thirdly because it was decided way back on 09.01.2025.

10. *Per contra*, the learned State Counsel has argued that allegations against the petitioner are quite serious, specific and categorical,



and that eye-witness account duly supports the prosecution case. The learned State Counsel has argued that in view of gravity of offence, and the direct involvement of petitioner in the commission of crime, the petitioner is not entitled for the benefit of bail.

11. The record has been perused carefully.

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

- (i) that the petitioner has already suffered prolonged incarceration for being in custody for a period of more than 02 years and 10 months;
- (ii) that the former bail petition of the petitioner was not decided on merits, and from the date of dismissal of former bail petition, almost 11 months have passed, but the trial is nowhere near completion;
- (iii) that there is contradiction in the facts projected by the complainant, as before police, complainant had stated that he has suffered fire-arm injury, due to gunshot fired by the petitioner which passed grazing his forehead, but as per medical evidence, the injury suffered by the complainant on his forehead was caused by the blunt weapon. Thereafter, the complainant changed in stance and alleged that at the time of incident, the assailants were armed with blunt weapon also. This change in stand of the complainant adversely impacts the credibility of his allegations;
- (iv) that the trial is not likely to be concluded in near future, as out of 21 prosecution witnesses, only 07 have been examined so far;



- (v) that nothing is left to be recovered from the possession of petitioner;
- (vi) that as per custody certificate, the petitioner has clean antecedents;
- (vii) that detention of 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 may tamper with the evidence or influence the witnesses; and
- (ix) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial

13. In the present 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 also 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”.

14. 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 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”.*

15. 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 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”.

16. 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.

17. If the cumulative effect of all the abovementioned 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.

18. 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 to disclose such facts to the Court or to any other authority.



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- (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.

19. 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

01.12.2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No