



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

CRM-M No.51418 of 2025 (O&M)

Reserved on: 04.11.2025

Date of Decision:11.11.2025

Harjinder Gill

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Mr.Santpal Singh Sidhu, Sr. Advocate with
Mr. Deepdaman Mann, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 109, 304, 351(2), 351(3), 115(2), 191(3) and 190 of BNS and Sections 25 and 27 of Arms Act, the FIR No.110 dated 26.07.2025, has been lodged in Police Station Cantt. Ferozepur, District Ferozepur. 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 first petition for grant of bail, under Section 483 of BNSS.

2. Succinctly, the facts projected by the prosecution are that, son of injured/complainant-Rajinder Singh was married with daughter of petitioner. According to the prosecution, the relationship between the son of Rajinder Singh, namely Ramandeep Singh, with the daughter of the petitioner, namely Raminder Kaur Gill, was strained and there was a case filed by Raminder Kaur



Gill against Ramandeep Singh and the complainant. According to the complainant, on 24.07.2025, he had visited the Court to attend proceedings in the abovementioned case and the Court posted the abovementioned case for next day i.e. 25.07.2025. As per complainant, on 24.07.2025, when he came out of the Court, the co-accused of petitioner-Omkar Singh threatened him and demanded Rs.70,00,000/- for the compromise. The complainant also alleged that it was also threatened by the co-accused of petitioner that if the above mentioned money is not paid he would kill him.

3. It has been further alleged by the complainant that on 25.07.2025, he went to the Court compound to attend proceedings in Innova car, and that at 09:30 am, when he alighted from the abovesaid car at Muktsar-Ferozepur Road, to proceed towards Court, the co-accused of petitioner Omkar Singh and 5-6 unknown persons, armed with baseball bat and iron rod, came there. According to the complainant, the above named accused Omkar Singh picked up a pistol, kept below the belt, and on gunpoint threatened the complainant to stop. As per complainant, out of fear of being shot, when he stopped, the petitioner exhorted to teach him a lesson and thereafter, all the assailants attacked the complainant and with an intention to kill him, inflicted injuries on his person, including the injuries on his hand and legs. It was specifically mentioned by the complainant that during the course of incident, the co-accused of petitioner secured the abovementioned pistol below the belt and then injured right knee of the complainant with the help of iron rod.

4. Heard.

5. It has been contended on behalf of petitioner that name of the



petitioner does not figure in the FIR and the above mentioned omission is in the backdrop of the fact that the complainant is the father of brother-in-law of the petitioner. As per learned counsel for the petitioner, although the name of father of petitioner has been specifically mentioned in the FIR, the failure of complainant to name the petitioner makes it abundantly clear that as an after thought the name of petitioner has been falsely introduced in the present case. It is further submitted that any of the injuries suffered by the complainant has not been declared to be dangerous to life.

6. In addition to above, the learned counsel for the petitioner has also argued that otherwise also no weapon has been attributed to the petitioner, and that the petitioner has already suffered a long incarceration for being in custody for a period of 2 months and 23 days, and injured has already been discharged from the hospital. As per learned counsel for the petitioner nothing is left to be recovered from the possession of petitioner, and that he is entitled for the benefit of bail.

7. Per contra, the learned State counsel being assisted by learned counsel for the complainant has argued that allegations in the present case are of serious nature. As per learned State counsel an old aged person of more than 70 years has been ruthlessly beaten-up with the help of sticks and other blunt weapon, in such a manner that lower part of his both legs suffered multiple fractures. According to learned State counsel the medico-legal report of injured makes it abundantly clear that multiple grievous injuries have been suffered by the complainant in his old age, and that the recovery from such injuries is going to be a big issue.



8. In addition to the above, the learned counsel for the complainant has also argued that in the present case, the petitioner's intention to kill the complainant can be gauged from the fact that one of the accused, namely Omkar, was carrying a firearm at the time of the commission of the offence and injuries on the upper body part of the complainant were also inflicted. As per learned counsel for the complainant, if the complainant would not have save himself, injury on his head was good enough to cause his death.

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 is already in custody for a period of 02 months and 23 days
- ii) that nothing is left to be recovered from the possession of the petitioner;
- iii) that despite being a very close relative of the complainant, at initial stage, i.e. at the time of filing of FIR the name of the petitioner was not mentioned in the complaint;
- iv) that the name of the petitioner for the first time cropped up after 15 days of the incident;
- v) that no specific role has been attributed to the petitioner;
- vi) that the injured has already been discharged from the hospital;
- vii) that the trial of the case is not likely to be concluded in near future;
- viii) that detention of the petitioner in judicial lock-up is not likely to



serve any purpose;

- ix) 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;
- x) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate in the trial;
- xi) that there is a reasonable doubt qua the claim of the petitioner regarding intention to kill the complainant, as despite availability the firearm was not used.

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 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 bail bonds and surety to the satisfaction of 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

11.11.2025
Manoj Bhutani

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