



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

02

CRM-M-52444-2025
Reserved on: 06.11.2025
Pronounced on : 10.11.2025

JASWINDER SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by: Mr. N.S. Dadwal, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

Mr. Brijindra Singh Bajwa, Advocate
for the complainant.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 103, 351, 3(5) of BNS 2023, [offence under Section 108 of BNS 2023 was added later on and the above said Sections 103, 351 3(5) of BNS, 2023 were deleted while presenting the challan], the FIR No.0059 dated 03.06.2025, has been lodged in Police Station Punjab Agriculture University (PAU), District Police Commissionerate Ludhiana. With regard to commission of above mentioned offence, the petitioner has been arrested. He is in custody, and therefore, craving for the concession of bail. This is first petition for bail, filed by the petitioner, under Section 483 of BNSS.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on the statement of Sawan Kumar, who stated that on



30.05.2025 at about 2/2:30 P.M. Jaswinder Singh was trying to cover the land adjacent to the house of complainant with a boundary wall. As per complainant since the land belongs to 'Dargah' he alongwith his son Surinder Kumar opposed the above-mentioned endeavor of Jaswinder Singh but Jaswinder Singh continued to raise construction.

3. As per complainant, thereafter Jaswinder Singh called his son Sonu, nephew Gola and Jatin and then Gola and Jatin caught hold of his son Surinder Kumar and thereafter, Sonu poured petrol on the body of his son Surinder Kumar and set him ablazed with an intention to kill him. According to complainant, when he tried to intervene he was pushed on the ground by Jaswidner Singh and thereafter, all the assailants fled from the spot.

4. It is the case of the prosecution that in view of above-mentioned statement formal FIR of this case was lodged and the investigation for the commission of offence punishable under Sections 103, 351, 3(5) BNS, 2023 was taken up. It has been further alleged by the prosecution that later on i.e. 15.07.2025, the complainant suffered another statement, wherein he modified his formar version and stated that he had wrongly said that petrol on the body of his son Surinder was poured by accused Sonu, Gola and Jatin. In his supplementary statement it was stated by the complainant that on account of abusive words used by Jaswinder Singh and because of his in-different attitude he was annoyed and therefore, he named the above-mentioned three persons as accused. It was also stated by the complainant that on 15.07.2025 due to in-different attitude of petitioner and instigation by him to die, his (complainant's) son had poured petrol on his own body, and set himself ablazed.

5. In view of above-mentioned supplementary statement three



persons, namely Sonu, Gola and Jatin, have not been prosecuted by the police. The another development in the present case is that instead of prosecuting the petitioner for the commission of offence under Section 302 IPC, the case has been converted into a case under Section 306 IPC.

6. It has been contended by learned counsel for the petitioner that there are two statements of complainant, which are in utter contrast to each other and therefore, the vary basis of prosecution of the present case stands demolished. According to learned counsel for the petitioner initially four persons were implicated in the present case, but later on charges qua three persons were withdrawn, and in addition to above, the allegations with regard to commission of murder have been converted into allegations for abatement to commit suicide.

7. According to learned counsel for the petitioner in view of above-mentioned change in the statement of complainant, the prosecution case is rendered doubtful.

8. The above-mentioned arguments of learned counsel for the petitioner have been controverted by learned State counsel being assisted by learned counsel for the complainant. It has been argued by learned counsel for the complainant that the allegations with regard to supplementary statement are false.

9. Heard.

10. The record has been perused carefully.

11 A perusal of record shows that challan in this case has already been filed and the above-said challan is for the commission of offence punishable under Section 306 IPC. In addition to above during the course of



investigation, in view of supplementary statement of the complainant, three persons, who were originally named in the FIR have not been found to be involved in the above-mentioned case.

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

- i) that the petitioner is already in custody for a period of more than 04 months and 20 days;
- ii) that nothing is left to be recovered from the possession of petitioner;
- iii) that as per custody certificate the petitioner has clean antecedents, as he has never been booked for any other offence in the past;
- iv) that the detention of petitioner in judicial lockup is not likely to serve any purpose;
- v) that the trial is not likely to be concluded in near future;
- vi) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- vii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

13. 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”.

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 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”.

15. 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”*.

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”, SLP (Crl.) No.8523/2024**.

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.
- (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

10.11.2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No