

CRM-M-56982-2024
CRM-M-1055-2025

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2025:PHHC:095193



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 29.07.2025

1. CRM-M-56982-2024 (O&M)

Karam Singh @ Nimma

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-1055-2025 (O&M)

Gurjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Navneet Kaur Waraich, Advocate
for the petitioner (in CRM-M-56982-2024).

Mr. Salil Dev Singh Bali, Advocate
for the petitioner (in CRM-M-1055-2025).

Mr. Rishabh Singla, AAG Punjab.



HARPREET SINGH BRAR, J. (ORAL)

1. Vide this common order, both the aforementioned petitions filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail to petitioners Karam Singh @ Nimma and Gurjit Singh, in case bearing FIR No.24 dated 17.05.2020 under Sections 302, 341, 506, 148, 149, 449 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 25/27 of Arms Act, 1959 (Sections 212, 216, 201 of IPC and Sections 29 & 30 of Arms Act, 1959 were added later on), registered at Police Station Gate Arif Ke, District Ferozepur.
2. However, for the sake of brevity, the facts are culled out from CRM-M-1055-2025.
3. The FIR (*supra*) was registered on the statement made by complainant Satinder Singh, on the allegations that on an earlier occasion i.e. on 07.03.2020, Sukhwinder Singh and his sons Jeun Singh and Sukhdev Singh entered into his shop situated in Village Bandala and caused damage to the articles lying there and gave beatings and they also robbed Rs.18,000/- from the money counter. Thereafter, an FIR No.7 dated 07.03.2020 was registered under Sections 392, 452, 506, 34 of IPC and Section 27/54/59 of Arms Act, at Police Station Arif Ke, in which Jeun Singh and Sukhdev Singh were arrested, however, Sukhwinder Singh absconded. Further, on 17.05.2020 at about 10.30 a.m., two vehicles i.e. XUV 500 white coloured and behind it, one Scorpio



colour white stopped in front of his shop and at that time, he along with his brother Kulwinder Singh and his uncle (*taya*) Satnam Singh were sitting inside the shop. From XUV 500, Jagga Singh armed with 12 bore two barrel gun, Sukhwinder Singh @ Chhinda armed with 315 bore rifle, Manga Singh armed with kappa along with three other unknown persons and from Scorpio, 6-7 unknown persons came out. Jagga Singh, Sukhwinder Singh @ Chhinda and Manga Singh came inside and remaining persons encircled the shop. On raising a lalkara by Sukhwinder Singh @ Chhinda to teach a lesson for registering a false FIR against them, Jagga Singh fired with his 12 bore two barrel gun directly at his brother Kulwinder Singh, who was sitting on the chair and the shot hit on right side of his chest, due to which, he fell down on the ground. Sukhwinder Singh @ Chhinda said that due to lodging a false case against them, his brother had been killed and if any dispute is raised in future, then they would kill him also. All the accused ran away from the spot along with their respective weapons in their vehicles. Thereafter, a vehicle was arranged and Kulwinder Singh was admitted to Rebirth Hospital, Arif Ke, from there, he was referred to Civil Hospital, Ferozepur, where the doctor declared him dead. Hence, the FIR (*supra*).

4. Learned counsel for petitioner Gurjit Singh submits that this is third attempt made by the petitioner seeking regular bail, as first petition i.e. CRM-M-32383-2020 was dismissed as withdrawn on 26.09.2020 and second



petition i.e. CRM-M-37557-2023 was dismissed on merits vide order dated 30.01.2024. Present petition i.e. CRM-M-1055-2024 has been filed in view of changed circumstances that similarly situated co-accused of the petitioner has been granted the concession of bail and one co-accused has been arrested, as such, trial has commenced *de novo*. Further, charges have already been framed on 13.11.2024.

5. Learned counsel for the petitioners contend that both the petitioners suffered incarceration of more than 05 years and delay in conclusion of trial is not attributable to them, as petitioners Karam Singh @ Nimma and Gurjit Singh are behind bars since 18.06.2020 and 29.05.2020 respectively. No overt act or injury has been attributed to petitioner Gurjit Singh. Both the petitioners are not named in the FIR (*supra*) and they were nominated as accused on the basis of disclosure statements made by co-accused Jagtar Singh @ Jagga and Niranjan Singh and further, car of petitioner Gurjit Singh was used in the commission of alleged crime.

6. *Per contra*, learned State counsel opposes the prayer for grant of regular bail to the petitioners on the ground that complicity of the petitioners is duly established during the investigation and as such, keeping in view serious allegations and the heinous crime committed by the petitioners, they are not entitled to any relief. However, he could not controvert the fact that the petitioners have suffered incarceration for more than 05 years and they are not



involved in any other case.

7. Having heard learned counsel for the parties and after perusing the record of the cases with their able assistance, it transpires that the petitioners Karam Singh @ Nimma and Gurjit Singh are behind bars since 18.06.2020 and 29.05.2020, respectively and out of total 49 prosecution witnesses, only 15 have been examined so far. The culpability, if any, would be determined at the time of trial. Keeping the petitioners in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

8. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

9. It has further been held in law that if a person is deprived of his liberty under a procedure which is not reasonable, fair, or just, such deprivation would be violative of his fundamental right under Article 21 of the Constitution of India. The procedure so prescribed must ensure speedy trial for determination of the guilt of such person. Some amount of denial of personal liberty cannot be avoided, but if the period of deprivation pending trial



becomes excessively long, the fairness guaranteed by Article 21 of the Constitution of India would come into play.

10. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- ***Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.***

11. A two Judge Bench of the Hon'ble Supreme Court in ***Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51***, with respect to prevailing conditions of undertrial prisoner in India has observed as under: -

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a



police State as both are conceptually opposite to each other.”

12. In view of the above, both these petitions are allowed. Thus, without commenting upon the merits of the case, lest it may prejudice the outcome of the trial, petitioners Karam Singh @ Nimma and Gurjit Singh are ordered to be released on regular bail during trial on their furnishing bail/surety bonds to the satisfaction of learned Illaqa Magistrate/trial Court concerned.

13. Both the aforementioned petitions seeking regular bail to the petitioners are allowed solely on the ground of long custody already undergone by them and without commenting on the merits of the case lest it may prejudice the outcome of the case pending before learned trial Court.

14. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned trial Court shall proceed without being prejudiced by the observations of this Court.

15. Photocopy of this order be placed on the file of connected case.

29.07.2025
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No