



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-55046 of 2025

Date of Decision: 26.11.2025

Paramjit

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

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

Present: Mr. Nippun Sharma, Advocate
for the petitioner(s).

Mr. Rohit Bansal, Senior Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 302, 307, 459, 460 and 34 of the Indian Penal Code, 1860, hereinafter being referred to as “IPC” only, and Sections 25(6), 27 and 69A of the Arms Act, 1959, the FIR No. 273 dated 26.09.2022 has been lodged in Police Station Sahnewal, District Ludhiana, 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 at the instance of ‘Jaspreet Singh’ son of Manjeet Singh, hereinafter being referred to as “complainant”. It was stated by the complainant that he was having a factory for manufacturing of nut-bolts, and that he used to stay at night in his office only which was situated

in the factory premises. According to complainant, on 25.09.2022 when he was sleeping in his room and two workers, namely 'Bhawani Bheekh' and 'Nawal Kishore Sharma' were sleeping in labour room, at about 04:00 AM he woke up due to continuous barking of dogs. According to complainant, when he along with 'Bhawani Bheekh' tried to find out the reason behind the above mentioned continuous barking of dogs, he spotted three/four persons near the boundary wall of the factory. As per complainant, they had made a hole in the wall of the factory and were stealing nuts & bolts, kept in boxes, from the factory premises.

3. It was further stated by the above named complainant that when he and 'Bhawani Bheekh' enquired from them about their act, one of them picked up a revolver and fired three gun-shots. According to complainant, two gun-shots were fired at him but he was saved, the third one hit 'Bhawani Bheekh' on his chest and it proved to be fatal.

4. It has been contended on behalf of petitioner that the petitioner has been falsely implicated in the present case, and that he has no nexus, whatsoever, with the commission of crime. According to learned counsel for the petitioner, the role attributed to the petitioner is not with regard to firing of gun-shot, and that the only allegation against the petitioner is that he was present at the spot of occurrence along with his co-accused.

5. In addition to above, the learned counsel for the petitioner has further contended that the petitioner has already suffered prolonged incarceration for being in custody for a period of more than three years one month, and that in the present case, there is no progress in the trial in the last two years, as from the date of framing of charge not even a single witness

has been examined.

6. Per contra, the learned State counsel has argued that the allegations against the petitioner are of serious nature, and in view of the gravity of offence, the petitioner is not entitled for the benefit of bail.

7. The record has been perused carefully.

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

- i) that the petitioner is already in custody for a period of more than three years & one month;
- ii) that despite such a long period of long incarceration, not even a single witness, out of 15 prosecution witnesses, has been examined, so far;
- iii) that nothing is left to be recovered from the possession of petitioner;
- iv) that the trial is not likely to be concluded in near future;
- v) that the role attributed to the petitioner is not that he fired the gun-shot which resulted into death of Bhawani Bheekh. Rather it has been alleged that the petitioner was present at the spot along with his other co-accused;
- vi) that further detention of the petitioner is not likely to serve any purpose;

- vii) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- viii) that there is nothing on record to show that while on bail the petitioner will not participate/cooperate in the trial.

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 26, 2025
“DK”

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