



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

241

**CRM-M-55406-2025
Decided on : 02.12.2025**

Amandeep Singh alias Amna

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Beant Singh Seemar, Advocate
for the petitioner.

Mr. Amrit Pal Singh Gill, DAG, Punjab
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.05 dated 12.01.2022 registered under Sections 302, 427, 148, 149 and 120-B of IPC and Sections 25 and 27 of the Arms Act, at Police Station Nathana, District Bathinda.

2. Brief facts as per the case of the prosecution are that the petitioner along with co-accused while hatching a criminal conspiracy, caused gunshot injuries on the person of Manpreet Singh alias Vicky and Manpreet Singh @ Challa which proved fatal. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that neither the petitioner was named in the FIR nor any suspicion was raised by the complainant qua his involvement in the alleged occurrence initially. He further contends that the petitioner has been nominated as an accused on the statement



made by the eye-witness Charanjit Singh under Section 161 Cr.P.C. He further submits that the said Charanjit Singh who deposed before the trial Court as PW3 as well as PW1 Gursach Singh and PW2 Harmail Singh have not supported the prosecution case and have turned hostile. The petitioner has no concern with the co-accused, who had allegedly murdered Manpreet Singh @ Challa and Manpreet Singh @ Vicky. Learned counsel for the petitioner further contends that the similarly situated co-accused Harpreet Singh alias Heera Singh and Sandeep Singh alias Bhalla have already been granted the concession of regular bail by this Court as well as by a Coordinate Bench of this Court vide orders dated 21.08.2025 and 30.11.2023 respectively. The petitioner is in custody since 15.01.2022. The investigation in the case is complete, challan stands presented, charges have been framed and out of 21 prosecution witnesses, only 04 witnesses have been examined till date. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel who has appeared on advance notice of the petition, filed the custody certificate of the petitioner as well as the status report and the same are taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the allegations against the petitioner are serious in nature. He further submits that the petitioner is also involved in multiple other cases meaning thereby he is a habitual offender.

6. Having heard learned counsel for the parties at length and after



perusing the record of the case, particularly the facts that the petitioner is in custody for the last more than 03 years and 10 months and 11 days, PW3 Charanjit Singh, on whose statement petitioner has been nominated as an accused as well as two other material witnesses have not supported the prosecution case and turned hostile, co-accused Harpreet Singh @ Heera Singh and Sandeep Singh alias Bhalla have already been granted the concession of regular bail by this Court as well as by a Coordinate Bench of this Court, out of 21 prosecution witnesses, only 04 witnesses have been examined till date and the fact that the trial may take a long time to conclude and no useful purpose would be served by detaining the petitioner in further custody. His continued 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.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "bail is a rule" and "jail is an exception".

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. 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.*

10. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382* in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

11. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an



CRM-M-55406-2025 5

expression of opinion on the merits of the case.

12. The present petition is disposed off accordingly.

02.12.2025
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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