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

**CRM-M-60299-2025 (O&M)
Date of Decision: 08.12.2025**

Hari Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**Present:** Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)**CRM-42916-2025**

Allowed as prayed for.

Main case

1. Petitioner has approached this Court by way of present second petition praying for granting regular bail in case FIR No.104 dated 13.11.2020 under Sections 302, 307, 452, 427, 506, 148, 149 of IPC (later on offence under Sections 303, 324, 325 & 120-B of IPC added), registered at Police Station Jodhan, Ludhiana.

2. Succinctly the facts of the case are that the FIR in the present case was registered on the statement of Manjeet Singh. It was alleged that his father Harbachan Singh had purchased his house at Mansuran after retirement from M.P. Police. They have a dispute with their neighbour Karam Singh and Jagtar Singh, who are their next door neighbour. His maternal Uncle, namely,



Chamkaur Singh had come to their house after taking treatment from Ludhiana. On 13.11.2020, his father Harbachan Singh had come home after getting the treatment of his maternal Uncle. At about 10:30 AM, Hari Singh (petitioner) started abusing them and thereafter, the dispute was escalated. Amandeep Singh @ Soni armed with dang, Amritpal Singh armed with Gandasa, Gurjant Singh armed with iron pipe, Himmat Singh @ Bittu Singh armed with wooden stick, Gurdas Singh armed with dang, Hari Singh armed with bat, Gurmukh Singh armed with wooden stick, all started abusing and while abusing entered their house and started giving beatings to his maternal uncle Chamkaur Singh. Amandeep Singh @ Soni attacked his maternal uncle/Mama with his dang on right ankle and other accused also gave injuries with the weapons in their hands. They all dragged his maternal uncle/Mama Chamkaur Singh in the street while beating. On raising alarm by them the said persons left the place along with their weapons by threatening the complainant. They shifted their maternal uncle to Civil Hospital, Pakhowal where he was declared dead. Request was made to take legal action against the culprits. On the registration of the FIR, investigation commenced; postmortem of the dead body was conducted; statements were recorded and on completion of the investigation, challan was presented. The petitioner was arrested on 13.11.2020. The petitioner approached Learned Additional Sessions Judge, Ludhiana praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Ludhiana vide order dated 27.11.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-18837-2025 which was dismissed as withdrawn before this Court. Hence, the petitioner is approached this Court praying for grant of bail by way of filing of present second petition.



3. Learned counsel for the petitioner has submitted that the petitioner along with co-accused was prosecuted in the present FIR. He submits that in all there are 08 injuries and the petitioner was alleged to be armed with Dang/bat. He submits that the petitioner has no criminal antecedents and he is behind bars since the last 05 years. He submits that similarly situated co-accused, namely, Gurdas Singh, Parvez Ali and Amandeep Singh @ Soni, have already been granted bail by this Court vide orders dated 09.02.2023, 12.12.2023 and 28.01.2025, respectively. He has vehemently contended that till date the prosecution has only been able to examine hardly 04 witnesses and the fundamental right of speedy trial of the petitioner is defeated. He thus submits that in the overall facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the petitioner has been specifically named in the FIR and also given head injury to the deceased and the deceased died due to the injuries given by the petitioner and other co-accused. However, he submits that as per the postmortem report there are 08 injuries. He has also endorsed the fact that similarly situated co-accused, namely, Gurdas Singh, Parvez Ali and Amandeep Singh @ Soni, have already been granted bail by this Court vide orders dated 09.02.2023, 12.12.2023 and 28.01.2025, respectively. He has produced the custody certificate of the petitioner today in the Court and the same is taken on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner along with co-accused had given injuries to the deceased. Admittedly, similarly situated co-accused namely, Gurdas Singh, Parvez Ali and Amandeep Singh @ Soni, have already been granted bail by this Court vide orders dated 09.02.2023, 12.12.2023 and 28.01.2025,



respectively. The custody of the petitioner is undisputed which is 05 years and 17 days as on 07.12.2025, however, the prosecution examined only 04 witnesses so far. It has also been brought to the notice of this Court that an application under Section 319 Cr.P.C. has also been filed which is pending adjudication before the trial Court. Custody certificate produced would show that the petitioner has no criminal antecedents. Needless to say that every accused has the fundamental right of speedy trial.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. The Hon'ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

8. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in '**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**', has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

9. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, this Court is of the

opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

10. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.12.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No