



CRM-M-57302-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-57302-2025 (O&M)****Reserved on : 17.10.2025****Pronounced on : 30.10.2025**

Akashdeep Singh @Chula

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Himanshu Garg, Advocate for the petitioner.

Mr. K.D. Sachdeva, DAG Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 109, 115(2), 118(1), 191(3), 190, 126, 351, and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the FIR No.16 dated 12.03.2025 has been lodged in Police Station Sherpur, District Sangrur. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is first petition, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on the statement of Jaswinder Singh, hereinafter being referred to as 'complainant'. In the abovementioned complaint dated 12.03.2025, it was stated by the complainant that on previous day, i.e. on

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11.03.2025, the petitioner had hurled abuses for him, on phone and he had recorded the abovementioned act of Aakash (petitioner). According to complainant on 12.03.2025 at about 08:30-09:00 am, when on the call of Aakash (petitioner), he went near the gate of school, he saw that Honey, Tirath Singh armed with khanda (sharp-edged weapon), Harry, Gursewak Singh, Amritpal Singh, Baba, Guri and Aakash (petitioner) armed with dah (sharp-edged weapon) and rods were present there. As per complainant, on his arrival, Tirath Singh exhorted that because of him (complainant) their brother Gaggi had been fixed in a case for being in possession of narcotics. According to complainant, upon the abovesaid call of Tirath Singh, Aakash (petitioner) extorted to teach him a lesson. It was further alleged by the abovenamed complainant that thereafter, all of them launched an attack upon him, and inflicted multiple injuries on his person.

3. According to complainant, in the abovementioned incident, Honey had inflicted a blow on the right side of the head of complainant, with the help of kirpan (sword), whereas Tirath Singh with an intention to kill the complainant, injured his head with the help of khanda, and other persons inflicted injuries on other body parts of the complainant.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. It has been further contended on behalf of the petitioner that the benefit of bail has already been afforded to the co-accused of petitioner, and that the role attributed to the petitioner stands on a lower footing in comparison to the role attributed to

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the abovementioned co-accused, who have been enlarged on bail. According to learned counsel for the petitioner, the only allegation against the petitioner is that he exhorted to teach a lesson to the complainant. As per learned counsel for the petitioner, neither the petitioner was carrying any weapon, nor there is any allegation with regard to causing of injury on the person of complainant by the petitioner.

6. As per learned counsel for the petitioner, the co-accused namely Amritpal Singh, Gursewak Singh, Harmeet Singh @Harry and Guri @Gurwinder Singh @Alto have already been afforded the benefit of bail by this Court, by virtue of orders dated 28.05.2025, 07.07.2025, 11.09.2025 and 11.09.2025, respectively. Claiming parity, the learned counsel for the petitioner is seeking the benefit of bail for the petitioner also.

7. *Per contra*, the learned State Counsel has argued that allegations against the petitioner are of serious nature, as they were members of a party which entered into a conspiracy, prepared a plan to kill the complainant and thereafter, in execution of that conspiracy, launched an attack and tried to kill the complainant. According to learned State counsel, irrespective of the fact that serious injuries have not been attributed to the petitioner, being member of the party having common conspiracy, he is equally liable and therefore, not entitled for the benefit of bail.

8. The record has been perused carefully.

9. 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: -



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- i) that the petitioner is already in custody since the date of his arrest, i.e. 18.04.2025;
- ii) that any serious/grievous injury suffered by the complainant has not been attributed to the petitioner;
- iii) that nothing is left to be recovered from the possession of petitioner;
- iv) that trial is not likely to be concluded in near future;
- v) that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- vi) that the benefit of bail has already been afforded to other co-accused, whose case stands under same footing; and
- vii) that there is nothing on record to show that if released on bail, the petitioner may influence the witnesses.

10. With regard to the legal aspect involved in the instant case, it is relevant to mention here 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”.

11. 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”.*

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



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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 abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is entitled for the benefit of bail.

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 bail bonds and surety bonds 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 disposal of the case; and
- (iii) 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.

(SURYA PARTAP SINGH)
JUDGE

OCTOBER 30, 2025

Gaurav Thakur



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Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No