



CRM-M-64218 of 2025

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

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CRM-M-64218 of 2025
Date of Decision: 05.12.2025

Jaspreet Singh @ Banti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Vishal Sharma (Vasudeva), Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.234 dated 22.08.2023 registered under Sections 307, 323, 506, 148 and 149 of IPC (Section 308 IPC added and Section 307 IPC deleted vide DDR No.60 dated 22.08.2023, Section 302 IPC added vide DDR No.42 dated 19.10.2023 and Section 201 IPC added later on vide DDR No.31 dated 30.08.2024), at Police Station Tanda, District Hoshiarpur.

2. Brief facts of the present case are that the petitioner along with other co-accused, armed with deadly weapons, brutally attacked and caused injuries to one Akash (brother of the complainant) with an intention to kill him, due to which he died.

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3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner was neither named in the FIR nor has any concern with the said incident. He argued that there is delay of 01 day in lodging the FIR as the alleged occurrence took place on 21.08.2023 but the present FIR in question was registered on 22.08.2023, casting serious doubt on the prosecution story. He further argued that the name of the present petitioner has been dragged in the case in the supplementary statement of the complainant-Puneet dated 23.08.2023 that too after delay of 02 days from registration of the FIR. It has also been contended that thereafter, the petitioner has been nominated as an accused on the basis of the disclosure statement made by the main accused Ranjodh Singh alias Jodha, which was recorded vide DDR No.62 dated 25.08.2023 and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He further argued that the complainant has not supported the case of the prosecution. To lend force to his contention, he has drawn the attention of this Court to the statement of the eye witness i.e. complainant-Puneet (Annexure P-7), made before the trial Court wherein he had not supported the case of the prosecution and have not identified the petitioner to be the person who caused injuries to the deceased-Akash. He further submits that even if the contents of the FIR are taken to be true, even then no specific injury has been attributed to the present petitioner. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Further, co-accused Jagpreet Singh has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 04.04.2024. The

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petitioner is in custody since 02.07.2024 and nothing is to be recovered from him. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 24 prosecution witnesses in the case and out of which, 02 have been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He argued that the petitioner, along with other co-accused, was member of the unlawful assembly, armed with deadly weapons, and has participated in the crime. He further argued that apart from that, he was specifically nominated as an accused in the disclosure statement of the main accused Ranjodh Singh @ Jodha, which itself shows the involvement of the present petitioner in the alleged crime. However, he has not controverted the fact that the complainant himself has turned hostile and that the petitioner is a first time offender as he is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 01 year and 05 months; investigation is complete; challan stands presented; charges framed; out of 24 witnesses, only 02 have been examined till date; the complicity of the petitioner is a matter of trial, and will take a long time to conclude. Thus, no useful purpose would be



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served by detaining him 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.

6. 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 his 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*".

7. 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.

8. 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.***

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9. 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 expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

05.12.2025*D.Bansal*

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