



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

Sr.No.218

**CRA-S-248-2026
Decided on : 18.04.2026**

Sukhwinder Singh alias Sukha

..... Appellant

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Manoj K.Sharma and Mr. Parminder Singh, Advocates
for the appellant.

Mr. Ravinder Singh, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Present appeal is directed against the order dated 24.12.2025 passed by the learned Judge, Special Court, Hoshiarpur dismissing the application of the appellant for grant of regular bail in case FIR No.133 dated 12.05.2023 registered under Sections 302, 120-B, 148, 149, 212 and 216 of IPC, Sections 25 and 27 of Arms Act and Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (For short hereinafter referred to as 'SC/ST Act'), at Police Station Model Town, District Hoshiarpur.

2. Brief facts of the present case are that the petitioner along with other co-accused murdered one Sajan (brother of the complainant). Hence the present FIR.



3. Learned counsel for the appellant contends that the appellant is innocent and has been falsely implicated in the present case. He further contends that the allegations levelled against him are false and he has no concern with the said offence. He further contends that in fact, it is a case of version and cross-version. Learned counsel contends that co-accused Jaspreet Singh @ Channa has also suffered gun shot injuries and remained hospitalized from 12.05.2023 till his arrest on 03.06.2023. He further argued that there is only one injury on the deceased-Sajan i.e. a gun shot on his head and the same has not been attributed to the present appellant. He contends that no offence under SC/ST Act is made out. Learned counsel has further contended that the appellant is in custody since 25.03.2025. He submits that complainant Mani in his statement (Annexure A-6) recorded before the trial Court, has not supported the case of the prosecution and was declared hostile. Further, co-accused Jaswinder Singh alias Deepu, Shahbaz Singh alias Sahu, Gursimran Singh, Nawab Hussain, Gurbinder Singh, Rohit Adia have already been granted the concession of anticipatory bail and co-accused Gurjit Saini to whom the alleged gunshot injury is attributed has already been granted the concession of regular bail by this Court vide order dated 29.10.2025, passed in CRA-S-410-2025. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that out of 39 prosecution witnesses, only 06 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 appeal deserves to be allowed.

4. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, has vehemently



opposed the prayer for bail by submitting that the offence committed by the appellant is serious in nature. He has further submitted that the appellant is also involved in multiple cases meaning thereby he is a habitual offender. However, he could not controvert the fact that the complainant Mani has turned hostile.

5. Notice was served to respondent No.2 but none has put in appearance on his behalf.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the appellant is in custody for the last more than 01 year and 20 days; investigation is complete; challan stands presented; charges framed; out of 39 prosecution witnesses, only 06 have been examined till date; co-accused Jaswinder Singh alias Deepu, Shahbaz Singh alias Sahu, Gursimran Singh, Nawab Hussain, Gurbinder Singh, Rohit Adia have already been granted the concession of anticipatory bail and co-accused Gurjit Saini has already been granted the concession of regular bail; the complainant did not support the prosecution case and has turned hostile and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the appellant in further custody. His further 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 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*”.

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 the appellant 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 appeal is allowed and the appellant 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.

18.04.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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