



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123+222

CRM-10012-2026 IN/&
CRM-M-5356-2026 (O&M)
Date of Decision: 20.04.2026

Sukhvir Singh @ Sukhvir Singh Kharaud

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Jasdev Singh Mehndiratta, Sr. Advocate with
Ms. Tanveer Kaur, Advocate,
Mr. Harshveer Singh Sohal, Advocate and
Ms. Jyotnoor Kaur Sethi, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

CRM-10012-2026

For the reasons stated in the application, the same is allowed.

The documents annexed with the application are ordered to be
taken on record as Annexure P-14.

CRM-M-5356-2026

This is the third petition for bail, filed by the petitioner under
Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition
pertains to a case arising out of FIR No.1 dated 02.01.2024, for the
commission of offence punishable under Sections 306, 377 and 34 of Indian
Penal Code, but the challan has been presented under Sections 306, 377, 323
and 34 of Indian Penal Code, Police Station Bhadson, District Patiala.



2. The abovementioned FIR came into being at the instance of 'Parveen Begam', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that she was a widow having one young son and one young daughter. According to complainant her son 'Dilshad Khan' was undergoing training at a hair cutting saloon, and that on 01.01.2024 when she returned home at about 4.30 P.M., she found that her son had committed suicide by hanging himself from the hook of ceiling fan. According to complainant when she screamed for help her neighbours followed by her brother 'Aslam Khan' arrived on the spot and his brother found a video in the mobile phone of son of complainant. It was also stated by the complainant that in the video footage recorded by his deceased son he had levelled allegations against a person, namely 'Laddi', and stated that he was subjected to carnal intercourse.

3. It is the case of prosecution that in view of above mentioned complaint formal FIR of this case was lodged and the investigation taken up. As per prosecution during the course of investigation the petitioner was arrested.

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. Rohit Bansal, Sr. DAG Punjab, has appeared on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner and compliance report in the form of affidavit duly sworn by the Deputy Superintendent of



Police, Sub Division Nabha, District Patiala. The same be taken on record.

6. Heard.

7. It has been contended by learned Senior counsel for the petitioner that petitioner is innocent who has been falsely implicated in the present case. According to learned Senior counsel for the petitioner in the alleged suicide video, allegations have been levelled by the deceased against a person named 'Laddi', and that the petitioner is not known as 'Laddi'. With regard to above mentioned arguments, the learned Senior counsel for the petitioner has referred to the statement of 'Parveen Begum', recorded during the course of trial, wherein she has stated that she does not know how many persons known as 'Laddi' are residing in their village. The thrust of arguments of learned Senior counsel for the petitioner with regard to suicide video footage has been that the above mentioned video clip does not disclose the name of petitioner.

8. The learned State counsel has controverted the above mentioned arguments. According to learned State counsel in the present case, today, one affidavit has been placed on record, wherein it has been mentioned that the petitioner is known as 'Laddi' also. According to learned State counsel there are very specific and categorical allegations against the petitioner with regard to the fact that son of the complainant was subjected carnal intercourse by the petitioner, which forced him to raise complaint before father of the petitioner, but the father of the petitioner did not take any action, and therefore, the deceased was forced to commit suicide. According to learned State counsel in view of above mentioned facts and circumstances of the case, the petitioner is

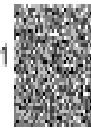


not entitled for the benefit of bail.

9. The record has been perused carefully.

10. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for a decision in the present petition:-

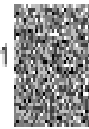
- i) that the petitioner is already in custody for a period of more than two years, three months and twelve days;
- ii) that the petitioner has clean antecedents;
- iii) that there is a reasonable doubt as to whether the person who has been referred in the suicide video clip pertains to the petitioner or not;
- iv) that there is no reference of abetment/instigation/suggestion to commit suicide, against the petitioner, in the video clip;
- v) since the statement of star witness of the prosecution has already been recorded, there is no chance of tampering of evidence by the accused-petitioner;
- vi) that the investigation in this case is already complete;
- vii) that nothing has been left to be recovered from the possession of petitioner;
- viii) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;



ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;

x) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

11. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been 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”.

12. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 SCC 51 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”.

13. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and



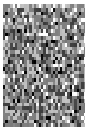
the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

14. 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 an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

15. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and that the present petition deserves to be allowed.

16. 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 furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the abovesaid benefit shall be subject to 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 from disclosing 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 decision of the trial;



and

iii) that the petitioner shall not leave India without prior permission of trial Court.

17. It is, however, made clear that any observation made hereinabove is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

20.04.2026
Manoj Bhutani

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