



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

Sr.No.226

**CRM-M-5271-2026
Decided on : 18.05.2026**

Kuldeep Singh @ Deepu and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Ishan Gupta and Ms. Muskan Gupta, Advocates
for the petitioners.

Ms. Amrit Kaur Mahir, AAG, Punjab.

Mr. Ajay Sharma, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioners in case FIR No.10 dated 05.02.2024 registered under Sections 302, 452, 148, 149 IPC at Police Station Khanauri, District Sangrur.
2. Brief facts of the present case, as per the prosecution, are that the petitioners along with other co-accused persons armed with wooden sticks entered into the house of the complainant and killed his brother namely Naresh Kumar. Hence, the present FIR.
3. Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. He contends that no specific



role or injury has been attributed to the petitioners. Learned counsel contends that the injury sustained by the deceased was due to falling on a hard surface and no injury was inflicted by any weapon. He contends that initially 10 persons were nominated in the present case as accused with same role to all. However, five of them were exonerated, hence, petitioners have been nominated by prosecution without any logic. Learned counsel submits that co-accused Parveen has already been granted the concession of regular bail by this Court vide order dated 23.04.2026, passed in CRM-M-7085-2026. Petitioner No.1 Kuldeep Singh @ Deepu is in custody since 08.02.2024 and petitioner No.2 Rakesh Kumar is in custody since 29.03.2024 and they have clean antecedents as they are not involved in any other case. He submits that challan has been presented, charges have been framed and out of 32 prosecution witnesses, only 02 have been examined till date, as such the trial may take quite a long time to conclude and no useful purpose would be served by keeping them behind the bars. There are no chances of their absconding, therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificates of the petitioners which are taken on record. The status report has already been filed. She has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that the offence committed by the petitioners are serious in nature. However, she could not controvert the fact that the petitioners have clean antecedents as they are not involved in any other case.



5. Learned counsel for the complainant, while opposing the petition for grant of bail, has contended that the petitioners have played an active role in the crime and, thus, do not deserve the concession of bail.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, particularly the fact that petitioner No.1 is in custody for the last more than 02 years 03 months and 07 days and petitioner No.2 is in custody for the last more than 02 years 01 month and 17 days; they have clean antecedents as they are not involved in any other case; challan has been presented; charges have been framed and out of 32 prosecution witnesses only 02 have been examined till date and as such the trial may take a long time to conclude and no useful purpose would be served by detaining them in further custody. Keeping the petitioners in further detention without the prospect of the trial being concluded in the near future would be violative of their rights under Article 21 of the Constitution of India.

7. Reliance in this regard is placed upon a judgment of Hon'ble Supreme Court 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



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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. In view of the above, the present petition is allowed and the petitioners are ordered to be released on bail on their 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.

11. The present petition is disposed off accordingly.

18.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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