



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

207

CRM-M-7293-2025
Date of decision: 21.01.2026

RASHPAL SINGH @ RACHPAL SINGH @ DAULA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Sonpreet S. Brar, Advocate for
Mr. Harpreet Multani, Advocate
for the petitioner.

Dr. (Ms.) Savi Nagpal, Asst. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant third petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 226 dated 18.05.2020, registered under Section(s) 302, 506, 188, 269, 270, 148, 149, 120-B of the Indian Penal Code, 1860 ; Sections 25 and 27 of the Arms Act and under Section 51(B) of the Disaster Management Act, 2005 at Police Station Jhabal District Tarn Taran.

2. Briefly summarized, the case of the prosecution as mentioned in the order of the trial Court reads thus:-

“Tersely put, the present FIR was registered on the statement of Navjot Singh, aged about 45 years, son of Harbhajan Singh, resident of Maluwal Santa, Police Station Chabhal, Tarn Taran, who made a statement to the effect that he is resident of above said address and apart from a an agriculturist he also practices as Ayurvedic Doctor. He has two sons namely Harkirat Singh, now aged about 22 years, and younger to him Gursagar Singh, now aged about 16 years old. He and his brother namely Upkar Singh has 10 acres of land out of which 3½ acres of land was sold by them to Karaj Singh son of Hira Singh and for the remaining 6 ½ acres of land they executed an agreement to sell in favour of Karaj Singh in the month of December 2016. From time to time Karaj Singh had been getting the date, for the execution of sale deed in his favour, extended. This land was leased by both brothers to Karaj Singh for cultivation but for the last three years Karaj Singh neither has paid the lease amount to them nor has paid to them the remaining amount towards the agreement to sell executed by them. Then after the sowing of the wheat crop they asked Karaj Singh not to cultivate this land any more. Due to this reason Karaj Singh moved an application against them to police of Police Station Jhabal. Karaj Singh had been summoned by the police in connection with the application moved but he had not been appearing before the police. On 17.052020, at about 04.00 P.M., complainant came to know that Karaj Singh has again cultivated this land and when the complainant, his son Harkirat Singh, brother Upkar Singh wife Manpreet Kaur, at about 7 P.M. reached the spot then after 5-7 minute one Bolero car of white colour bearing registration number PB-32-M-1647 stopped there. From the vehicle Karaj Singh armed with 12 bore rifle, Rashpal Singh alias Daula armed with pistol, Harjit Kaur bare

handed, Ranjit Kaur wife of Karaj Singh, Ranjit Kaur wife of Gurdev Singh, Raju Bhaiya, residents of Maluwal Santa and three unidentified persons on new a New Holland 3630 tractor came there. Immediately, after alighting from the vehicle, mother of Karaj Singh raised a Lalkara exhorting Karaj Singh to fire a gunshot on them so that they may not escape. Acting on the same, Karaj Singh fired a gunshot directly on them with an intention to kill them. The gunshot hit Harkirat Singh, son of complainant and he got injured seriously. Complainant party raised alarm "Maar Ditta, Maar Ditta" and on hearing this accused persons ran away from the spot with their respective weapons on their vehicles. Motive behind the incident is that the complainant wanted Karaj Singh to vacate their land but Karaj Singh was not ready to part with the possession. When injured Harkirat Singh was being taken to Amritsar for medical treatment then on the way near Gupta Hospital in Jhabal town, he breathed his last."

3. Learned Counsel appearing on behalf of the petitioner contends that as per the allegations levelled in the FIR, there was only one fatal shot injury on the deceased Harkirat Singh which such shot was fired by co-accused Karaj Singh. The petitioner is alleged to have been accompanied Karaj Singh-main assailant. A weapon had been recovered from the possession of the petitioner, however, the same had not been fired. He thus contends that the petitioner is at best as an accused within the ambit of Section 120-B of the IPC and that no overt act regarding the commission of the offence is attributed to the petitioner. He submits that the petitioner is in custody since 13.09.2020 and has already undergone an actual sentence of more than 05 years in the present case.

4. Learned State Counsel has filed the Custody Certificate dated 20.01.2026 in the Court today and the same is taken on record and on instructions from Sub Inspector Balwinder Singh, Belt No. 518/PR contends that a fire arm had been recovered from the petitioner and that he had accompanied the co-accused with a common object of eliminating Harkirat Singh. She further contends that the petitioner is involved in a large number of criminal cases including offences of similar nature. She thus contends that the petitioner having high criminal antecedents does not deserve the concession of regular bail. She, however, does not dispute that the petitioner has already undergone an actual custody of more than five years and as on date only 10 witnesses out of total 36 witnesses have been examined so far.

5. Having heard learned counsel appearing on behalf of the respective parties and taking into consideration the long period of incarceration i.e. more than 05 years and the trial still being at initial stages where only 10 witnesses out of total 36 witnesses have been examined, I am of the opinion that the petitioner would not be primarily denied concession of bail in such a case considering the custody period already undergone by him.

6. Article 21 would thus come into picture when the trial has been unduly delayed and a substantial custody period has been undergone by an accused. Thus, I deem it appropriate to enlarge the petitioner on regular bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.
9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

JANUARY 21, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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