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

CRM-M-6661-2026

Date of Decision: 09.04.2026

Gurwinder Singh @ Guri

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Parampreet Singh Paul, Advocate, for the petitioner.
Mr.K.D.Sachdeva, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.117 dated 30.08.2022, registered under Sections 302, 34 IPC (Sections 392, 394, 411, 201 IPC added lateron), at Police Station Khamano, District Fatehgarh Sahib.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of complainant, namely, Sumail Kaur. It was alleged that her parents got Panchayati divorce in the year 2017 and the complainant and her brother are living with her mother Gurdeep Kaur (since deceased). Her mother was in live-in relationship with one Bhupinder Singh @ Bhinder. However, about 1½ months ago, one boy started to talk with her mother on Instagram. On 27.08.2022 at about 11:15 p.m., her mother Gurdeep Kaur left the house in her car, however, she did not return. She tried to contact her mother but could not reach her. On 28.08.2022 at about 09-07 p.m., Bhupinder Singh @ Bhinder called the complainant and told about the death of her mother. The complainant also informed about the same to her father. Thereafter, she was informed that one dead body was



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found from Bhakhra Canal in the area of Civil Lines and the dead body is lying in the Mortuary of Rajindra Hospital, Patiala. Thus, request was made to take legal action against the culprits. On the registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and he was arrayed as an accused in the present case. Resultantly, he was arrested on 02.09.2022. The petitioner approached the Court of learned Additional Sessions Judge, Fatehgarh Sahib praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 08.11.2023. Earlier the petitioner approached this Court twice by way of filing CRM-M-8072-2024 and CRM-M-47160-2025, however, the same were dismissed as withdrawn vide orders dated 20.01.2025 and 26.09.2025. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present third petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that as per the case of the prosecution, it is evident that the same is based on the circumstantial evidence. It is contended that deceased Gurdeep Kaur left her house on 27.08.2022 and thereafter, her dead body was found on 29.08.2022 from the canal. It is also contended that co-accused Varinder Singh was arrested by the police and it is on his disclosure statement, the petitioner was arrayed as an accused in the present case. He contends that the deceased was living separately from her husband and firstly she was living in live-in relationship with one Bhupinder Singh



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@ Bhinder and thereafter, she came in contact with co-accused Varinder Singh on Instagram. He further contends that neither the petitioner had any relationship with the deceased nor he had any motive, however, he has been implicated in the present case on the basis of the disclosure statement of co-accused. He submits that the alleged recovery of gold chain and mobile phone of the deceased are the planted recoveries on the petitioner. He contends that the petitioner has no criminal antecedents and he is behind the bars from the last more than 3½ years. It is further contended that once the case is based on the circumstantial evidence, prosecution is bound to prove the offence by producing complete chain of evidence, however, the case against the petitioner is virtually without any evidence. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Status report by way of affidavit of Gurmeet Singh, PPS, Deputy Superintendent of Police, Sub Division Khamano, District Fatehgarh Sahib filed has already been filed.

Per contra, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. He submits that on the arrest of co-accused Varinder Singh, complicity of the petitioner was surfaced during his disclosure statement. During the investigation, gold chain and mobile phone of the deceased were recovered from the house of the petitioner. He submits that recovery of these articles on the disclosure of the petitioner proves his complicity in the case alongwith the co-accused. He contends that 20 injuries were found on the body of the deceased. On instructions, he has submitted that out of total 35 prosecution witnesses, 07 witnesses remain to be examined. He has placed on record the custody



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certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that as per the case of the prosecution, the present case is totally based on the circumstantial evidence. Deceased Gurdeep Kaur got separated from her husband by way of divorce taken in Panchayat. She left her house on 27.08.2022 and thereafter, her dead body was fished out from the canal on 29.08.2022. As per postmortem report, the deceased was found to have received 20 injuries and cause of death was due to drowning. The petitioner was arrested on the disclosure statement of the co-accused, namely, Varinder Singh. The deceased was in relationship with the co-accused. The custody certificate would show that the petitioner has suffered incarceration of 03 years & 07 months as on 07.04.2026. It further shows that the petitioner is facing prosecution in one more case. Out of 35 prosecution witnesses, 07 witnesses remain to be examined, which shows that all the material witnesses have been almost examined.

6. Speedy trial is the right of every accused. The Hon'ble Supreme Court in Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695 has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

7. The Hon'ble Supreme Court in a recent decision dated



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03.07.2024 in Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

09.04.2026
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No2

(RAJESH BHARDWAJ)
JUDGE