



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

CRM-M-7015-2026

Date of decision: 24.03.2026

KULDEEP SINGH @ BHILLI

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Ms. Kuljit Kaur, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG Punjab.

.....

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 petitioner in case FIR No.61 dated 08.07.2024 registered under Sections 103, 191(3), 190, 333, 351(2) of BNS 2023 and Sections 25, 27, 59-A of Arms Act, at Police Station Raja Sansi, District Amritsar.

2. Brief facts of the present case are that the petitioner along with other co-accused committed murder of Harjinder Kaur (wife of complainant) due to old enmity with the complainant. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. She submits that the petitioner had no previous enmity with either the complainant or the deceased. She further submits that even as per the FIR, the petitioner had



not fired at the deceased rather the only allegation against him is that he was standing outside the house of the complainant at the time of alleged incident. The petitioner is in custody since 08.07.2024. She further submits that challan has already been filed but charges are yet to be framed and the trial may take quite a long time to conclude and no useful purpose would be served by keeping him behind bars. Hence, it is urged that the present petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate of the petitioner and status report which are taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the allegations against the petitioner are serious in nature and he was member of the unlawful assembly and was actively involved in the crime.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it transpires that no specific injury has been attributed to the present petitioner and he is stated to be standing outside the house of complainant at the time of alleged incident. The petitioner is in custody for the last more than 01 year and 08 months; challan has been filed but charges are yet to be framed, as such trial has been proceeding at snail's pace and may take a long time to conclude. No useful purpose would be served by detaining the petitioner in further custody. His continued 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.



6. 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.

7. 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.***

8. Reliance is also placed upon the judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein the 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*".



9. In view of the above, the present petition is allowed and the petitioner 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.
10. The present petition is disposed off accordingly.

24.03.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |