

CRM-M-8160-2023

2026:PHHC:027993

102 (3rd case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Harwinder Singh @ Gola

....Petitioner

Versus

State of Punjab

...Respondent

Date of Decision: February 23, 2026

Date of Uploading: February 24, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Amandeep Singh Rai, Advocate and
Ms. Sunaina Rani, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Pushpinder Kaushal, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 439 of the Cr. P.C., 1973 seeking grant of regular bail to the petitioner, in case bearing FIR No.69 dated 25.03.2019, registered for the offences punishable under Sections 302, 323, 148, 149, 120-B of the IPC, 1860, at Police Station Samrala, District Ludhiana.

2. The gravamen of the FIR in question is that the complainant, namely, Ravinder Singh alias Sonu, stated that on 24.03.2019, when Ravinder Singh @ Sonu and his brother Gurpreet Singh @ Gura were returning from their fields and reached near the shop of Gurjit Singh, they found Jashanpreet Singh @ Jashan Singh (son of Harwinder Singh @ Gola), Harwinder Singh @

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Gola (*petitioner herein*), Niku, Amna, Binder, Babu Panch, Gurmit Singh, Vicky, Jagdeep Singh @ Duchi, Pitti, Gurpreet Singh @ Gola, Harjinder Singh, and Simru present there. The accused persons were allegedly armed with sharp-edged weapons. It is alleged that the accused attacked Gurpreet Singh @ Gura with their respective weapons. Harwinder Singh @ Gola (*petitioner herein*), Simru, and Niku (*petitioner herein*) inflicted head injuries on Gurpreet Singh @ Gura with sharp-edged weapons. In the meantime, the complainant's mother – Ranjit Kaur, arrived at the scene and raised an alarm, upon which the accused fled from the spot in cars and on motorcycles. Gurpreet Singh @ Gura was immediately taken to the hospital for treatment; however, he succumbed to his injuries.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 30.03.2019. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that the petitioner has suffered incarceration for more than 04 years. Learned counsel has further argued that vide order dated 26.07.2023, the petitioner was extended concession of interim bail, but the petitioner has not misused the same till date. The said order reads thus:

“Contends inter alia that petitioner is in custody since 30.03.2019 and in view of the order dated 16.01.2023, passed by Coordinate Bench in CRR-38-2023, trial has come to stand still; thus, petitioner is being unnecessarily incarcerated.

Learned State counsel seeks time to verify the above factual position.

Posted on 28.09.2023.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

To be heard along with aforesaid criminal revision.”

Thus, regular bail is prayed for.

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4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 22.02.2026, in the Court today, which is taken on record.

4.1. Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner by arguing that there are serious allegations against the petitioner. Learned counsel has argued that the petitioner and his co-accused had given head injuries, with sharp-edged weapons, to the brother of the complainant, but, later, succumbed to his injuries. Learned counsel has argued that, in case, the petitioner is released on bail, there is all the likelihood that he may abscond from the process of justice as also interfere with the prosecution evidence/ witnesses. On the strength of these submissions, dismissal of the petition in hand is entreated for.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 30.03.2019 and remained in custody till 26.07.2023, i.e., the date when he was afforded concession of interim bail by this Court. Upon culmination of investigation, challan stands presented on 15.06.2019. It is not in dispute before this Court that total 24 prosecution witnesses have been cited, and out of which, 02 have been partly examined till date.

At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which reads thus:

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“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

The rival contention raised at Bar give rise to debatable issues, which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 22.02.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 04 years, 03 months and 28 days.

6.2. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR.

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Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*, a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail, if not required in any other case, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

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- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 23, 2026
mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No