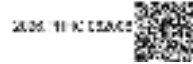


236

CRM-M-7085-2026 (O&M)

-1-



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-7085-2026 (O&M)

Date of decision: 23.04.2026

PARVEEN

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

Ms. Amrit Kaur Mahir, AAG Punjab.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

CRM-11195-2026

Keeping in view the averments made in the application, the documents are taken on record as Annexures A-1 and A-2 subject to all just exceptions. Exemption is granted as prayed for.

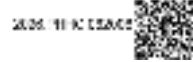
Registry to tag the same at appropriate place.

Disposed of.

Main Case

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.10 dated 05.02.2024 registered under Sections 302, 452, 506, 34, 148, 149 IPC at Police Station Khanauri, District Sangrur.

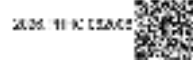
2. Brief facts of the present case, as per the prosecution, are that the petitioner along with other co-accused persons armed with wooden sticks entered into the house of the complainant and killed his brother namely Naresh Kumar. Hence, the present FIR.



3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He contends that no specific role or injury has been attributed to the petitioner. He 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, 5 of them were exonerated, hence, petitioner has been nominated by prosecution without any logic. The petitioner is in custody since 10.12.2024. The petitioner has clean antecedents as he is 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, as such the trial may take quite a long time to conclude and no useful purpose would be served by keeping him behind the bars. There are no chances of his absconding, therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate of the petitioner and the status report. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the offence committed by the petitioner are serious in nature. However, he could not controvert the fact that the petitioner is a first time offender and is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, particularly the fact that the petitioner is in custody for the last more than 01 year and 04 months; challan has been presented; charges have been framed and out of 32 prosecution witnesses only 02 have been examined and as such trial may take a long time to



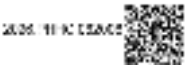
conclude and no useful purpose would be served by detaining him in further custody.

6. Reliance is also placed upon a judgment 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*".

7. 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.

8. 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.***

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



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.

23.04.2026	(RUPINDERJIT CHAHAL)	
puneet	JUDGE	
i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No