



CRM-M-8446 of 2025

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

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CRM-M-8446 of 2025
Date of Decision: 05.02.2026

Komalpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Karambir Singh Kahlon, Advocate
for the petitioner.

Mr. Amritpal Singh, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.18 dated 06.03.2022 registered under Sections 302, 307, 148, 149 and 120-B of the IPC and Sections 25/54/59 of the Arms Act, at Police Station Kalanaur, District Gurdaspur.

2. Brief facts of the present case as per the prosecution are that some unknown persons with muffled faces, armed with pistols and other deadly weapons, came to the alleged spot of occurrence and brutally attacked the complainant and his friends, due to which Jaswinder Singh @ Happy and Daljit Singh succumbed to the injuries.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that neither the

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petitioner was named in the FIR nor has any concern with the said offence and initially, the FIR was registered against unknown persons. He further argued that the prosecution does not even have an iota of evidence to connect the petitioner with the alleged crime. He further argued that the present petitioner has been nominated in this case as an accused only on the basis of suspicion without any concrete evidence, that too only upon the supplementary statement of one Inderjeet Singh (brother of the deceased- Jaswinder Singh @ Happy) made on 07.03.2022. Further, co-accused Ranjit Singh @ Rana, Ajay Masih and other co-accused have already been granted the concession of regular bail by the Co-ordinate Bench of this Court, vide order dated 18.12.2024. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 29.08.2023. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 34 prosecution witnesses and out of them, only 02 have been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he has actively participated in the crime. However, he has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.



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5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 02 years and 04 months; he has clean antecedents; investigation is complete; challan stands presented; charges have been framed; out of 34 witnesses, only 02 have been examined till date; the complicity of the petitioner is a matter of trial, which is proceeding at snail's pace and the same will take a long time to conclude. Thus, no useful purpose would be served by detaining him 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. Reliance is 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 her 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***



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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 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.

05.02.2026*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No