



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

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**CRM-M-13533-2026 (O&M)
Date of decision: 25.05.2026**

YADWINDER SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. G.S. Sirphikhi, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. S.S. Kang, Advocate
for the complainant.

SURYA PARTAP SINGH, J.

CRM-10794-2026

Allowed as prayed for.

Main case

1. This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.84 dated 14.05.2025 for the commission of offence punishable under Section 103 of Bharatiya Nyaya Sanhita, Police Station Sadar Jagroan, District Ludhiana Rural.



2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Kulwant Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that petitioner had friendly relations with his son 'Kamalpreet Singh'. According to complainant his son had borrowed a sum of Rs.30,000/- from the petitioner and when he failed to return the same, petitioner used to harass him. As per complainant on 14.05.2025 at about 10:00A.M. petitioner took 'Kamalpreet Singh' to his house on his motorcycle, and thereafter, after sometime, dropped him outside the house in semi-conscious state. It was also stated by the complainant that when he saw his son, he found him to be dead. In his statement a suspicion was raised by the complainant towards the petitioner by saying that he had a strong doubt that some poisonous substance was administered by the petitioner to the deceased.

3. It is the case of the prosecution that in view of above-mentioned statement, formal FIR of this case was lodged and the investigation taken up.

4. Status report has already been filed by learned State counsel. The same be taken on record. Custody certificate has been filed by learned State counsel.

5. Heard.

6. It has been contended by learned counsel for the petitioner that the petitioner has clean antecedents, and that merely on the basis of suspicion, he has been falsely implicated in the present case. According to learned counsel for the petitioner, the deceased was a drug addict and on account of over dose of drug, he passed away, which is reflected from the post-mortem report as well as report of FSL, where the viscera of deceased was examined. It has also



been contended by learned counsel for the petitioner that the petitioner has already suffered incarceration for a period of more than one year, and that nothing has been left to be recovered from the possession of petitioner. According to learned counsel for the petitioner the trial is taking place at a slow pace, as out of nineteen prosecution witnesses, only one has been examined so far.

7. The above-mentioned arguments have been controverted by the learned State counsel being assisted by learned counsel for the complainant. It has been contended by learned counsel for the complainant that in the present case there are very specific allegations against the petitioner qua the fact that he had taken away the son of deceased and later on dropped him in semi-conscious state outside the house of the complainant. According to learned counsel for the complainant with regard to above-mentioned incident even the CCTV footage is available, and that instant case is a well established case qua the fact that some narcotic substance was administered to the deceased by the petitioner. In view of above, it has been contended that in view of specific role attributed to the petitioner and the gravity of offence, the petitioner is not entitled to the benefit of bail.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision: -

- i) that the petitioner has already suffered incarceration for a period of more than one year;
- ii) that the petitioner has clean antecedents;
- iii) that the investigation in this case is already complete, and



therefore, nothing has been left to be recovered from the possession of petitioner;

- iv) that the viscera report shows that any poisonous substance was not detected in the stomach of the deceased and that morphine was found therein;
- v) that the trial is not likely to be concluded in near future as out of nineteen only one witness has been examined so far;
- vi) that the right of speedy trial and personal liberty, guaranteed to the petitioner, are at stake due to delay in trial.
- vii) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- viii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- ix) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

10. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have



been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

11. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’ (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

12. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be



said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

13. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

14. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled to the benefit of bail, and that the present petition deserves to be allowed.

15. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovesaid concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.



- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

25.05.2026

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