



CRM-M-9128 of 2026

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

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CRM-M-9128 of 2026
Date of Decision: 23.04.2026

Jaswinder Singh @ Kala

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Ms. Amrit Kaur Mahir, AAG, 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.06 dated 17.02.2023 registered under Sections 302, 379 and 34 of IPC and Sections 4(1) and 21(1) of Mines and Minerals (Regulation and Development) Act, 1957, at Police Station Handesra, District SAS Nagar.

2. Brief facts of the present case are that the petitioner along with other accused murdered one Gurcharan Singh (father of the complainant). Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the death of the deceased. He argued that the petitioner was

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roped in the FIR only on the basis of suspicion without any concrete evidence. He further argued that if the contents of the FIR are taken to be true, even then no specific role is attributed to the present petitioner and the only allegation against him is that the tractor-trolley, which was used in the commission of the offence, was registered in the name of the petitioner. He further argued that it was co-accused Gurjeet Singh @ Jeeta, who ran over the tractor-trolley upon the deceased and murdered him and the said co-accused has already been granted the concession of regular bail by the Co-ordinate Bench of this Court, vide order dated 19.05.2025. Moreover, the petitioner has clean antecedents as he is not involved in any other case and no recovery is to be effected from him. The petitioner is in custody since 20.02.2023. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 20 prosecution witnesses but none has 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 filed the custody certificate of the petitioner, which is taken on record and while referring to the status report already filed in the matter, she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, she 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 03 years and 02 months; investigation is complete; challan stands presented; charges framed; out of 20 witnesses, none has been examined till date; the complicity of the petitioner is a matter of trial; which is proceeding at snail's pace, and 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 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 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*".

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



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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 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.

(RUPINDERJIT CHAHAL)
JUDGE

23.04.2026

D.Bansal

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