



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-9383-2026

Date of Decision : 20.03.2026

MANDEEP SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Gurdeep Singh, AAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of bail under Section 483 BNSS, has been filed by petitioner, an accused in case bearing FIR No.144 dated 29.10.2024 registered against him at Police Station Barnala, for the commission of offences punishable u/s 103, 191(3), 190, 351(3), 61(2) of BNS.

2. Relevant facts emerging from documents on record be noticed hereinbelow:-

Gurcharan Singh @ Bhola (complainant) Fauji, s/o Kaur Singh, r/o Village Patti Pakhoke, set the criminal law in motion by filing a complaint dated 29.10.2024 pointing therein that he retired as "Naik" from Indian Army in 2005. He has two children; elder daughter – Simarjot Kaur, who is residing in Australia for the last 08 years and younger son Jaismeen Singh @ Jassu, aged about 25 years. On 28.10.2024, his (C) son Jaismeen along with his friends, namely, Gurdeep Singh s/o Nahar Singh, Jaspreet Singh @ Jassa s/o Darshan Singh and Satvir Singh @ Sata s/o Hakam Singh, all residents of Pakhoke, were present in grain market of village, when an altercation occurred between them and Ramanjit Singh @ Ramna s/o Sukhdev Singh, Balwinder Singh @ Neela s/o Bachitar Singh



and Lovepreet Singh @ Labhu s/o Gurjant Singh. Villagers, who were present at the site restrained his son and his friends and sent them to village. Abiding by the advice given by the elders, his son Jaismeen went to the house of his friend - Gurdeep Singh. Thereafter, since the paddy was filled in the bags, his son accompanied by Jaspreet Singh and Satvir Singh again arrived at the grain market where they noticed Ramanjit Singh, Lovepreet Singh @ Labhu (on motorcycle), Gurpreet Singh, **Mandeep Singh (present petitioner)** s/o Jagdev Singh and three unknown persons on Scorpio car. Mehakpreet Singh @ Mehki s/p Ramanjit Singh@Ramna, Harmandeep Singh @ Hammu s/o Gurmeet Singh, Ekampreet Singh s/o Surinder Singh, Sukhwinder Singh @ Sukha s/o Amarjit Singh were in Swift Dzire and Zen car. Without any verbal altercation, as per complainant, the driver of the Scorpio car hit his son Jaismeen, who as a result of this collision fell down, when the above-mentioned persons alighted from their vehicles and unleashed an attack. Complainant alleges that his son Jaismeen was given brutal blows with dandas, lathis etc. The friends of his son, who were accompanying him, tried to save him, but they were also not spared. On account of serious head injuries suffered by his son Jaismeen Singh and sensing trouble assailants fled away on their vehicles. **Satvir Singh along with other persons in the grain market arranged for a vehicle and rushed injured-Jaismeen to Government Hospital, Barnala** where unfortunately the boy was declared 'Brought Dead'.

Complainant alleges that Satvir Singh and Jasvir Singh, who were present at the site narrated the entire incident. The motive behind the incident, according to the complainant is that his son Jaismeen had restrained Ramanjit Singh and others from playing songs loudly on a tractor trolley, when they all were present in the Grain Market. With this backdrop, he requested the police authorities to catch hold of the assailants and to initiate appropriate criminal proceedings against them.

On the basis of the said complaint, a formal case vide FIR No.144 dated 29.10.2024, u/s 103, 191(3), 190, 351(3), 61(2) of BNS., was registered against the present petitioner and other co-accused.



3. Petitioner/accused, who was arrested on 29.10.2024, moved an application for grant of bail before the learned Sessions Judge, Barnala. The same was dismissed vide order dated 04.11.2025.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The falsity of the case set up by the complainant is apparent from the fact that none of the two alleged eye-witness, namely, Jaspreet Singh @ Jassa and Satvir Singh @ Satta, supported the case of the prosecution while appearing in the witness box as PW-2 & PW-3, respectively. Copies of their statements recorded on oath in the Court have also been placed on the case file. It is further the submission of learned counsel that as per version of complainant himself (father of deceased), he was not present at the site and the entire facts were narrated to him by the friends of deceased who, as noted above, did not support the case of prosecution.

Learned counsel next contends that co-accused Mehakpreet Singh @ Mehki, to whom Head injury was attributed, as also co-accused Harjinder Singh @ Jinder @ Rajinder Singh Dhaliwal, have since been granted the concession of bail by a co-ordinate Bench of this Court, vide orders dated 04.02.2026 passed in CRM-M-70689-2025 and CRM-M-64526-2025, respectively. It has thus been prayed that on grounds of parity, similar treatment be meted out to present petitioner.

In the light of submissions advanced herinabove, learned counsel prays that further incarceration of petitioner, who has been in custody since 29.10.2024 and is not involved in any other criminal case, would not serve any useful purpose as the same, without the prospect of trial being concluded in near future, would be violative of the fundamental rights guaranteed under Article 21



of the Constitution of India. Further, as per learned counsel, petitioner undertakes to abide by all the conditions so imposed by the Court, while extending the concession of bail to him. Prayer for allowing the petition has been made.

5. *Per contra*, while opposing the request for grant of bail learned State counsel submits that in view of the seriousness and gravity of offence, no leniency deserves to be taken in favour of the petitioner, who had actively participated in the incident. Further, the father of complainant supported the case of prosecution when he appeared in the witness box as PW-1. The other two eye-witness, as per learned State counsel, were probably won over by the accused party. Thus, simply because petitioner has been in custody since 29.10.2024, would not be a ground in itself to take a lenient view in his favour. It has been prayed that the manner in which offence was committed, no case for grant of bail is made out, for if extended the concession of bail, the likelihood of petitioner fleeing from the process of justice by not appearing in the Court is quite high. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and with their able assistance, perused the record available on record.

7. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in "**Gurbaksh Singh Sibbia V. State of Punjab**", ((1980) 2 SCC 5) held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a



punishment. In two other cases which, significantly, are the ‘Meerut Conspiracy cases’ observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in [Gudikanti Narasimhulu v. Public Prosecutor](#) [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of [Article 21](#) are the life of that human right.”

29. In [Gurcharan Singh v. State \(Delhi Administration\)](#) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29“There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission



to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”

Factual aspects of the case have already been highlighted in para 2 of this order. In view of the submissions advanced by learned counsel for the petitioner but without commenting on the merits of the case, lest it may prejudice the trial, this Court is of the opinion that no useful purpose would be served by further detention of the petitioner (who has been in custody since 29.10.2024), as the same, 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, including right to speedy trial and would, thus, also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is*



suspected of.

(vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

(vii) The petitioner shall not in any manner misuse his liberty.

(viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

20.03.2026
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>