



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

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**CRM-M No.10411 of 2026
Date of decision : 6.5.2026
Date of uploading : 6.5.2026**

Harpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rishu Mahajan, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.11 dated 19.1.2023 under Section 302 of the IPC, registered at Police Station Sultanwind, Amritsar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Joginder Singh son of Shri Fauja Singh, resident of village Pero Shah, police station Sekhwan. Tehsil and Gurdaspur, age around 80 years Mobile phone No 98784-50827. I state that I am resident of the aforementioned address I am a retired clerk office Deputy Commissioner Gurdaspur I have two daughters and a son. My elder daughter Gurjit Kaur was married during the year 2008 to Harpal Singh son of Desa Singh, resident of village Tahwandi Bhangwan, Tehsil Ajnala, District Amritsar Out of this wedlock they have a daughter Mehakpreet Kaur, age around 15 years and a son Abhayjeet Singh age around 14 years My son-



in-law Harpal Singh is an unemployed person and he often used to quarrel with my daughter, harassed her and physically beat her Earlier the Panchayats had assisted them many times to reach compromise. Around three years back my son-in-law Harpal Singh took my daughter Gurjit Kaur and both of his children and started living in a rented house at village near Kahne da Toia. Bhai Manjh Singh Road Amritsar at the house of Gurmeet Singh. My daughter Gurjit Kaur wanted to move to abroad. My son-in-law often said that he will not allow her to move to abroad. Due to this both of them often quarrelled with each other On date 13.01.2023 my son-in-law Harpal Singh beat my daughter Gurjit Kaur 1. myself. my son Shivjot Singh and my younger daughter Kanwaljeet Kaur had visited their house at Amritsar We advised my son-in-law Harpal Singh that he should not harass and beat my daughter Gurjit Kaur Then my son-in-law Harpal Singh told us that I (Harpal Singh) will not allow Gurjit Kaur to go to abroad otherwise, I will kill her or commit suicide I and my family members helped them to forge a compromise and we returned to our village Today on 19-01-2023 at around 01:30 PM, neighbours of my daughter Gurjit Kaur intimated on phone that your son-in-law Harpal Singh has murdered your daughter Gurjit Kaur myself, along with my son Shivjot Singh immediately reached at his rented house at village near Kahne da Toia, Bhai Manjh Singh Road Amritsar. There the dead body of my daughter Gurjit Kaur was lying on the first floor kitchen of the house. She was strangulated by her neck with a dupatta. Due to her head and face injuries her blood was splashed on the kitchen floor. In this connection I immediately sent my son Shivjot Singh to the Police Station to inform this incidence. No you have reached her. My son-in-law Harpal Singh son of Desa Singh resident of village Talwandi Bhangwan. Tehsil Ajnala, District Amritsar presently resident of village near Kahne da Tola, Bhail Manjh Singh Road Amritsar has murdered my daughter Gurjit Kaur, by strangulation, her dupatta was put around her neck then she was injured on her head and face with some blunt weapon. My son-in-law Harpal Singh put off his boot drenched in blood and fled from the site of incidence An appropriate my son-in-law be action Harpal Singh taken against for murdering my daughter Gurjit Kaur You have arrived at site and recorded my statement, I have read my statement and the same has been read over to me. I admit it to be correct. Aforementioned Joginder Singh, Sd/- Joginder Singh.'



3. Learned counsel for the petitioner has argued that the petitioner is in custody since 21.1.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question primarily on the ground that the FIR-complainant (father of the deceased and father-in-law of the present petitioner), was suspecting that there were regular quarrel(s) between the petitioner and the deceased on account of which the petitioner has killed the deceased. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 3 years and is a man with clean antecedents. Learned counsel has further submitted that the prime prosecution witness namely PW-1 Joginder Singh (father of the deceased, FIR-complainant) stands examined. Learned counsel has further urged that the prime prosecution witness PW-Rashpal Singh has turned hostile. Learned counsel has further urged that another prime prosecution witness PW-Mehakpreet (daughter of the petitioner and the deceased) has since been given up. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 5.5.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 21.1.2023 wherein after



investigation was carried out; challan was prepared on 20.4.2023 and subsequently filed. Total 14 prosecution witnesses have been cited, out of which 2 have been examined and 01 has been given up till date. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

The rival contentions raised at Bar give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 5.5.2026 filed by learned State



counsel, the petitioner has already suffered incarceration for a period of 3 years, 3 months and 11 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

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10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

6.5.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No