



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

Sr.No.226

**CRM-M-11455-2026
Decided on : 09.04.2026**

Abhishek

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Jupinder Pal Singh Brar, Advocate
for the petitioner.

Mr. Ravinder 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.183 dated 16.09.2023, registered under Sections 302 and 120-B IPC, at Police Station Canal Colony, Bathinda, District Bathinda.

2. Brief facts as per the prosecution case are that the petitioner in connivance with co-accused murdered Akash (son of the complainant), due to some altercation between them.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that the allegations levelled against the petitioner are false and he has no concern with the said offence. Learned counsel contends that the petitioner has been wrongly named in the FIR. He further contends that the



parade was not conducted by the police. Learned counsel contends that if the contents of the FIR are taken to be true, even then no specific injury is attributed to the petitioner. Moreover, the learned counsel contends that the complainant did not even identify the petitioner in the video played. Further co-accused Sachin and Maneet alias Money have already been granted the concession of regular bail by this Court as well as by a Coordinate Bench of this Court vide orders dated 05.02.2026 and 26.09.2024 respectively. No recovery is to be effected from the petitioner. The petitioner is in custody since 16.09.2023. The investigation in the case is complete, challan stands presented and charges have been framed. Learned counsel further submits that out of 17 prosecution witnesses, only 03 have been examined till date. He further submits that 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. Learned State counsel has appeared and filed the status report as well as the custody certificate which are taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has submitted that the petitioner actively participated in the crime and, therefore, does not deserve any concession from this Court.

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 06 months and 20 days; the complainant did not identify the petitioner in the video played; the co-accused have already been granted the concession of regular bail by this Court as well as by a



26.09.2024; the investigation in the case is complete; challan stands presented; charges have been framed and out of 17 prosecution witnesses, only 03 have been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. His further 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 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. 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 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***

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail



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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.

09.04.2026

mamta

(RUPINDERJIT CHAHAL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No