



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

231

CRM-M-11582-2026 (O&M)
Date of decision : 30.03.2026
Date of uploading : 01.04.2026

Harinder Singh**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Amrik Singh, Advocate for the petitioner.

Mr. Gaurav Gurcharan S. Rai, Sr. 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.16 dated 15.02.2021 under Sections 302, 307, 323, 324, 341, 506, 148, 149 of IPC [103(1), 109, 115(2), 118(1), 126(2), 351(2)/(3), 191(3), 190 of BNS], registered at Police Station Sadar Rajpura, District Patiala.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Copy of original statement, Statement of Bahadur Khan son of Sharif Khan Alias Muhammad Salim resident of Village Sural Khurd Police Station Sadar Rajpura District Patiala aged about 50 years Mo: 7889110532 stated that I am a resident of the above said address. Yesterday on 14.02.2021 son of my nephew Pritpal's namely Nawab Khan was having the party of marriage in the Government Palace in the village in the evening. Where my son Salim Khan and my nephew Rinku Khan were also present Then it was about at 10:00 PM then there from our village Harinder Singh, Gurmeet Singh, Gursewak Singh, Kaka Singh, Gurinder Singh sons of Jagdev Singh, Jagdish Singh son of Bant Singh, Harpreet Singh



son of Jagjit Singh resident of Village Sural Khurd and 2-3 unknown persons came to the party in the palace without invitation and started making noise at the D.J. We stopped them to do such then above persons started threatening us to kill and started abusing us and we sent them out of palace after advising, those above all persons started raising lalkaras, standing outside the palace, who had swords and sticks in their hands and when I and my nephew Rinku Khan came out of palace, then above Harinder Singh gave to sword blow which was in his hand at my head with the intention to kill me which hit on back of my turban and this gave big cut on my turban then Harpreet Singh gave the forcefully blow on my left arm with the gandasa which was in his hand and due to this my left arm got full of blood. In the meantime, Harpreet Singh above gave the sword blow which was in his hand on the head of my nephew Rinku and second blow was given by Harinder Singh to my nephew Rinku on his head and due to this my nephew Rinku and I fell down on the ground while we were on the ground Jagdish Singh above gave the gave too much beating with stick. While we were on the ground Gurmeet Singh, Gursewak Singh, Kaka Singh and Gurinder Singh gave too much beating with sticks and dandas. We raise the alarm as marta marta for our safety then due to the sound of DJ till our family members came out of palace, then the above persons ran away from the spot with their arms. Our neighbour Gurjant Singh and Randhir Singh resident of Village Harna, took us after arranging the private vehicle for treatment and got admitted us in AP Jain Civil Hospital at Rajpura. Where I am under treatment and as the condition of my nephew Rinku Khan got worst therefore, the doctors referred him to Rajindra Hospital Patiala. It is requested the legal action be taken against the above persons and we should be given justice. statement which has been read over, it is correct. RTI of Statement giver I have got recorded my Bahadur Khan above, verified statement Sd/- Salim Khan, Salim Khan son of Bahadur Khan Attested Sd/- Kuldeep Singh ASI Police Post Basantpura Dated: 15.02.2021. Today I ASI, present at Police Post then Head Munshi, Police Station City Rajpura give the information that Rinku Khan son of Balbir Khan, Bahadur Khan son of Sharif Khan resident of Village Sural Khurd and Harpeet Singh son of Jagdish Singh, Jagdish Singh son of Bant Singh and Harinder Singh son of Jagdev Singh resident of Village Sural Khurd are admitted at AP Jain Civil Hospital, Rajpura due to quarrel and to send the IO for proceedings and their MLR and message of the doctor be received from Police Station, City Rajpura, on this I ASI, alongwith ASI Amarjit Singh 1788/PAT, PHG Bhupinder Singh 16797, PHG Jasbir Singh 30320 alongwith laptop and printer went for proceedings in private vehicle then I ASI, first after reaching Police Station, City Rajpura, received the MLR and doctor ruqqas of the above in which doctor in MLR No.AS-41 regarding Bahadur Rinku Khan son of Balbir Khan has mentioned two injuries and the injury No.1 A and 1B are sharp and injury No. 1C 2 are blunt and MLR No. AS-42 regarding Bahadur Rinku Khan son of Balbir Khan resident of Village Sural Khurd has total three injuries in which Injury No.1 sharp and injury No.2 & 3 are blunt. I ASI, alongwith colleagues after reaching the AP Jain civil Hospital Rajpura gave the application to the doctor to get the statement. Rinku Khan and Bahadur Khan above in which it was written regarding referring of Rinku Khan to GMC Patiala and as regard to Bahadur Khan stated



to be fit to make statement and on this I ASI, after reaching the bet of Bahadur Khan got his statement typed and read over word by word and he after reading, hearing and admitted it to be correct and marked his statement with the thumb impression of right hand and it was verified by Salim Khan son of Bahadur Khan and it was attested by me, ASI. On the basis of the statement offence under Section 307, 323, 341, 324, 506, 34 IPC is made out. Statement for registration of case against Harinder Singh, Gurmeet Singh, Gursewak Singh, Kaka Singh, Gurinder Singh sons of Jagdev Singh, Jagdish Singh son of Bant Singh, Harpreet Singh son of Jagjit Singh resident of Village Sural Khurd and 2-3 unknown persons is sent by hand through PHG Bhupinder Singh 18797 to the Police Station, case number be made known after registration of case. Special report be issued, In-charge control room and official be given information. I ASI, alongwith colleagues are busy at AP Jain Civil Hospital Rajpura for procuring the statement of Harpreet Singh son of Jagdish Singh, Jagdish Singh son of Bant Singh, Harinder Singh son of Jagdev Singh resident of Village Sural Khurd. In the area of AP Jain civil Hospital Rajpura at 5.50 PM Sd/- Kuldeep Singh ASI Police Post Basantpura dated 15.02.2021 on receiving the above statement, above case for above offence against above Harinder Singh, Gurmeet Singh, Gursewak Singh, Kaka Singh, Gurinder Singh sons of Jagdev Singh, Jagdish Singh son of Bant Singh, Harpreet Singh son of Jagjit Singh resident of Village Sural Khurd and 2- 3 unknown persons got registered. Record was completed. The copies of the FIR as special reports were made and sent to Illaqa Magistrate and Officials by hand Constable Gurwinder Singh 2451/PAT, Incharge Control Room Patiala was informed through Wireless message. The case file alongwith original statement is sent for further investigation by hand through Bhupinder Singh 18797 to ASI Kuldeep Singh at the spot, DDR No.20 at 7.34 PM dated 15.02.2021.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.02.2021. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the case in hand is one of version and cross-version. Learned counsel has further submitted that the petitioner has suffered incarceration for more than five years, and the conclusion of the trial is nowhere in sight. 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



28.03.2026 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 17.02.2021, whereinafter the investigation was carried out, and the challan qua the petitioner was presented on 11.05.2021. The total 26 prosecution witnesses have been cited, and it is conceded before this Court that only 2 have been examined, while one has been given up. It is thus indubitable that culmination of trial will take its own time. 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 by learned counsel 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 28.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 5 years 1 month and 4 days and 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



CRM-M-11582-2026 (O&M)

-6-

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.

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

(SUMEET GOEL)
JUDGE

30.03.2026

jatin

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No