

2026:PHHC:005113



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-15563-2025 (O&M)

Pargat Singh @ Mandeep @ Deep

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	15.01.2026
2	The date when the judgment is pronounced	16.01.2026
3	The date when the judgment is uploaded on the website	16.01.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amandeep Singh Rai, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case arising out of FIR No. 25 dated 11.02.2020, registered under Sections 302, 307, 379, 411, 34, 212, 216, 148, 149 and 120-B of IPC and Section 25-1-A and 27 of the Arms Act at Police Station Dhariwal, District Gurdaspur.
2. The adumbrated facts as emanating from the record are that on the evening of 10.02.2020, complainant Jagdish Raj was present in his shop along

2026:PHHC:005113



with his helper Vishal and his son Ashok Kumar, when he noticed a car being parked a little ahead of his shop. Within his sight, two youths with covered faces alighted from the car and started indiscriminate firing with their pistols towards his son Ashok Kumar, who sustained many injuries and fell down. Blood started oozing from his injuries. The assailants also fired shots towards Hitesh Mahajan @ Honey Mahajan, who was present in an Ahata existing on the eastern side of the shop of the complainant, and he too sustained injuries and fell down. On alarm being raised by the complainant and his helper, the assailants fled away with their respective weapons in their car. The injured Ashok Kumar was taken to the hospital but succumbed to his injuries. The injured Hitesh Mahajan was also admitted in the hospital and had been given treatment.

3. As per the further allegations, accused Jagmit Singh @ Meet, Lovepreet Singh and Rajinder Singh @ Nikku, who were arrested in case bearing FIR No. 25 dated 27.03.2020, registered under Sections 307, 188 and 34 of IPC and Section 25 of Act, 1959 at Police Station Shahpurkandi, District Pathankot, suffered disclosure statements admitting their involvement in this case and they were nominated in this case as well. They were joined into investigation of this case and were arrested on 05.04.2020. Co-accused Jasbir Singh was also nominated as such on the basis of the disclosure statement suffered in this case. Accused Lovepreet Singh, who was in custody in connection with FIR No. 25 dated 27.03.2020, suffered disclosure statement admitting his involvement in this case and also took the name of the present petitioner. The petitioner was also in custody in some other case and his presence was secured by way of issuance of production warrants. He was

2026:PHHC:005113



formally arrested in this case on 11.05.2020. He suffered disclosure statement admitting his involvement in the murder of victim Ashok Kumar. Investigation now stands completed. The previous petition, filed by the petitioner, had been dismissed by this Court on 24.04.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused Lovepreet Singh suffered in another case bearing FIR No. 25 dated 27.03.2020. His disclosure cannot be considered to be admissible in evidence. No specific role has been attributed to him. It is a case of blind murder. He is in custody since 11.05.2020. The conclusion of trial would take considerable time as only 19 out of total 41 prosecution witnesses have been examined so far. The complainant and material witnesses have not implicated him in commission of subject crime. His continued detention would not serve any useful purpose. The prolonged period of his incarceration is a sufficient ground for seeking bail afresh. Co-accused Jasbir Singh @ Jassa has already been released on bail. On parity, he too deserves to be given the same benefit. It is, therefore, stressed that the petition deserves to be allowed and the petitioner deserves to be released on bail.

5. Status report and the custody certificate of the petitioner have been filed by the respondent-State. Learned State counsel has vehemently argued that there are serious allegations against the petitioner as it was he, who had connived with the co-accused and had instigated them to commit murder of the victim Ashok Kumar and it was at his behest that the firearm injuries were sustained by the victim Hitesh Mahajan @ Honey Mahajan and the death of victim Ashok Kumar had been caused. It is further argued that the petitioner

2026:PHHC:005113



has criminal antecedents. There are chances of his absconding or committing similar offences, if released on bail. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The petitioner is in custody since 11.05.2020. He was nominated in this case on the basis of the disclosure statement suffered by co-accused Lovepreet Singh in another case to the effect that accused Harjinder Singh @ Jinda had told him that the petitioner had instigated him to kill victim Hitesh Mahajan @ Honey Mahajan. The previous petition of the petitioner had been dismissed on 24.04.2024. The trial has not proceeded much further as only 19 out of total 41 prosecution witnesses have been examined so far. There are bleak chances of conclusion of trial in near future. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial

2026:PHHC:005113



without there being any fault on the part of the accused, he becomes entitled to be released on bail. Recently, the Hon’ble Supreme Court in *Arvind Dham vs. Directorate of Enforcement, 2026 INSC 12*, while referring to its authorities cited as *Javed Gulam Nabi Shaikh vs. State of Maharashtra & another : (2024) 9 SCC 813* and *Manish Sisodia vs. Enforcement Directorate, (2024) 12 SCC 660*, has observed that 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 and Article 21 of the Constitution applies irrespective of the nature of the crime. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

16.01.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No