



CRM-M-12603 of 2026

-1-

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

233

CRM-M-12603 of 2026
Date of Decision: 30.04.2026

Parvinder Kumar @ Parminder Singh
@ Happy @ Vapari

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Arnav Sood, Advocate
for the petitioner.

Ms. Amrit Kaur Mahir, AAG, 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.129 dated 18.08.2020 registered under Sections 307, 506, 148 and 149 of IPC and Sections 25/54/59 of the Arms Act (Sections 34, 120-B and 201 IPC added later on), at Police Station Bullowal, District Hoshiarpur.

2. Brief facts of the present case are that the petitioner along with other co-accused, after hatching criminal conspiracy, fired gunshots towards one Lovedeep Singh (brother of the complainant) and his friend Jaskaran Singh, with an intention to kill. Hence, the present FIR.

**CRM-M-12603 of 2026****-2-**

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He further submitted that there is a delay of 5 hours in lodging of the FIR, casting serious doubt on the prosecution story. He argued that the petitioner was neither named in the FIR, nor has any concern with the said offence. He further argued that initially, three persons had been named in the FIR, out of whom, two were declared innocent later on. He further argued that on 20.08.2020, the first confessional statement of co-accused Sandeep Kumar @ Ravi Balachauria was recorded, wherein he did not name the petitioner, but in his second confessional statement recorded on 15.09.2020, he had named four other persons including the petitioner, alleging therein that the petitioner was sitting in the vehicle from which the firing was done, which again creates doubt on the prosecution version. He further argued that Section 307 of IPC was added by the prosecution only to make the offence graver. Further similarly situated co-accused, namely, Jasmeet Singh @ Lucky @ Jasbir and Sunil Kumar @ Monu have already been granted the concession of regular bail by the Co-ordinate Bench of this Court, vide orders dated 25.11.2021 and 25.02.2022, respectively. No recovery is to be effected from the petitioner. The petitioner is in custody since 04.06.2021. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 47 prosecution witnesses but none has been examined till date and as such, the 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



CRM-M-12603 of 2026

-3-

to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record and while referring to the status report already filed in the matter, she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She has further submitted that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.

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 04 years and 10 months; investigation is complete; challan stands presented; charges framed; out of 47 witnesses, none has been examined till date; the complicity of the petitioner is a matter of trial; which is proceeding at snail's pace, and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued detention 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.

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 the 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*".



CRM-M-12603 of 2026

-4-

7. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

8. 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.***

9. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-



CRM-M-12603 of 2026

-5-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

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

30.04.2026*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No