



CRM-M-13388-2026 (O&amp;M)

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

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CRM-M-13388-2026 (O&amp;M)

Date of decision : 17.03.2026

Amritpal Singh @Kanu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

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

Mr. I.P.S. Sabharwal, DAG, Punjab.

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**SURYA PARTAP SINGH, J. (oral)**

This petition for bail is the second petition filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.27 dated 23.02.2024, for the commission of offence punishable under Sections 341, 323, 506, 148, 149, 201 and 307 of Indian Penal Code, Police Station Sadar Dhuri, District Sangrur.

2. The abovementioned FIR came into being at the instance of 'Shamsher Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 22.02.2024 at about 06:15 pm, his son Harmanpreet Singh, hereinafter being referred to as 'injured', was present in front of his house. According to complainant there, a car bearing registration No.PB44-B-6011 being driven by Jashan, arrived and Jashan, who was armed with a steel rod, alighted from the car. It was further stated by the complainant that Jashan was accompanied with Sukhpreet

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Singh, Amritpal Singh @Kanu (petitioner herein), armed with an iron rod, and two other unidentified persons, who, too, were armed with iron rods. As per complainant, they all launched an attack upon his son and inflicted various injuries on his person, including serious injury on his head.

3. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

4. **Notice of motion.**

5. Mr. I.P.S. Sabharwal, DAG, Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State Counsel has orally opposed the present petition.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner has already suffered prolonged incarceration for being in custody for a period of more than two years. It has also been contended by learned counsel for the petitioner that the trial would take a long time to conclude. According to learned counsel for the petitioner the co-accused Sukhpreet Singh has already been accorded the benefit of bail vide order dated 25.02.2026. Thus, petitioner, too, deserves the same benefit on the ground of parity.

8. The learned State Counsel has controverted the abovementioned arguments. It has been contended by learned State Counsel



that the victim is 29 years old young person, who has suffered such a grievous injury that even after two years of the incident, he is not able to walk properly. It has also been contended by learned counsel for the complainant that one of the accused Gurlal Singh @Gulal Singh had approached the Court for the benefit of bail, but the abovementioned benefit was denied to him by virtue of order dated 28.02.2025. According to learned State Counsel although the victim has been discharged from the hospital, but he is still under treatment.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i) that the petitioner is already in custody for a period of more than two years;
- ii) that the role attributed to the petitioner is identical to the role attributed to his co-accused Sukhpreet Singh;
- iii) that the injured has already been discharged from the hospital;
- iv) that nothing has been left to be recovered from the possession of petitioner;
- v) that the trial is not likely to be concluded in near future;
- vi) that the detention of the petitioner in judicial lockup is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and



viii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

11. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case".



12. The principles laid down by the Hon'ble the Supreme Court of India in the case of 'Satender Kumar Antil Vs. Central Bureau of Investigation and Another', (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that "the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice".

13. Recently, in the case of 'Tapas Kumar Palit Vs. State of Chhattisgarh', 2025 SCC Online SC 322, the Hon'ble Supreme Court of India has observed that "if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed". It has also been observed by the Hon'ble Supreme Court of India in the abovementioned case that "delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently".



14. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in "Balwinder Singh versus State of Punjab and Another", 2024 SCC Online SC 4354.

15. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

16. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court;

**(SURYA PARTAP SINGH)**  
**JUDGE**

**17.03.2026**

*Vinod*

Whether speaking / reasoned  
Whether Reportable

Yes/No  
Yes/No