



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.240

CRM-M-13752-2026
Decided on : 22.04.2026

Vishal alias Khuda

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Hitesh Chopra, Advocate
for the petitioner.

Mr. Ekom Pal Saggo, AAG, Punjab
for the respondent-State.

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.28 dated 22.04.2024, registered under Sections 302, 148, 149 IPC (Sections 201, 202, 34 IPC added lateron) and Section 29 of the NDPS Act, at Police Station Qadian Tehsil Batala, District Gurdaspur.
2. Brief facts as per the prosecution case are that the petitioner alongwith co-accused persons committed murder of one Sahil (son of the complainant). Hence, the present FIR.
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. He further contends that there is no direct evidence to connect the petitioner with the said offence. Learned counsel contends that the CCTV footage collected during investigation clearly shows that the death took place in the house of Bobby as he was seen coming out of his house with one dead body and one woman was helping him in loading the said dead body. It has also been contended that the complainant and other material witnesses have not supported the case of the prosecution and have been declared hostile. To lend force to his contention, he has drawn the attention of this Court to the statements of PW1 complainant-Jeeta (Annexure P-7), PW2 Paramjit Kaur (mother of the deceased) (Annexure P-8) and PW3 Joginder Kumar (Annexure P-9), made before the trial Court wherein none of them have supported the case of the prosecution and have turned hostile. Learned counsel submits that co-accused Rani, Manjit Singh alias Jajji and another, Sumit Kumar alias Sumit alias Ghung and Raju have already been granted the concession of regular bail by Coordinate Benches of this Court vide orders dated 21.11.2024, 04.03.2025, 25.04.2025 and 01.09.2025, passed in CRM-M-43350-2024, CRM-M-827-2025, CRM-M-20380-2025 and CRM-M-35139-2025 respectively. No recovery is to be effected from the petitioner. The petitioner is in custody since 25.04.2024 and he has clean antecedents. The investigation in this case is complete, challan stands presented and charges have been framed. Learned counsel further submits that out of 21 prosecution witnesses, only 04 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 filed the custody certificate as well as status report 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. However, he could not controvert the fact that the petitioner is the first time offender as he is not involved in any other case.

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 01 year 11 months and 25 days; the complainant and other material witnesses have been declared hostile; co-accused have already been granted the concession of regular bail by Coordinate Benches of this Court; the investigation in this case is complete; challan stands presented; charges have been framed; out of 21 prosecution witnesses, only 04 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. 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. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his 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.

22.04.2026

mamta

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No