2026:PHHC:042020

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-13425 of 2026 (O&M)

Date of Decision: 17.03.2026

Amandeep Singh alias Amna

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Sanjeev Arora, Advocate
for the petitioner(s).

Mr. Rohit Bansal, Senior Deputy Advocate General,
Punjab.

Surya Partap Singh, J.

1. This petition for bail is the first 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. FIR No. 105 dated 24.07.2024, for the commission of offence punishable under Section(s) 103, 238 and 3(5) of 'the Bharatiya Nyaya Sanhita, 2023' Police Station Baghapurana, District Moga, Punjab.

2. The FIR of this case came into being at the instance of 'Kulwinder Kaur', hereinafter being referred to as "complainant" only, who reported to the police that on 23.07.2024 at about 11.15 A.M., his son, namely 'Dupinder Singh' had left home on the pretext of bringing paranthas for the family on his motorcycle, bearing registration No. PB-56-B-6358. According to complainant, till 24.07.2024, she continued to call her son on

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his mobile phone but he did not respond, and that on 24.07.2024 at about 06.00 P.M. some passerby picked up his phone and informed her that the person she was calling, i.e. her son, was lying on 'Jassowal Wali Street'. According to complainant when, along with her family members, she went to the spot, she found that her son was lying there along with motorcycle and that some chemical had been thrown on his face. As per complainant, she immediately shifted her son to the hospital, where he was declared dead. The complainant has also stated that some unknown person had killed her son.

3. It is the case of prosecution that pursuant to above mentioned information, formal FIR of this case was lodged and the investigation taken up.

4. According to prosecution, during the course of investigation, a supplementary statement of complainant was recorded wherein she stated that, that at her own level she had tried to trace out the accused who were responsible for the murder of her son and that she believed that her son was killed by 'Amandeep Singh alias Amna' (petitioner herein), 'Manga Singh', 'Honey Singh', 'Ajay Singh' and 'Maninderjit Singh', by administering some poisonous substance.

5. As per prosecution, pursuant to above mentioned statement, the accused have been arrested.

6. **Notice of motion.**

7. Since advance notice has already been served upon the State, Mr. Rohit Bansal, Senior Deputy Advocate General, Punjab accepts notice on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

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8. Heard.

9. It has been contended on behalf of petitioner that the petitioner has already suffered a prolonged incarceration for a period of more than one year & seven months, and that the present case is a blind murder case, as the petitioner has been nominated by the complainant in her supplementary statement, and that except the disclosure/confessional statement of petitioner, there is no legally admissible evidence against the petitioner.

10. *Per contra*, the learned State counsel has controverted the above-mentioned arguments. According to learned State counsel, the bottle which was used, for carrying acid, has been recovered at the instance of petitioner, and that there are very specific allegations against the petitioner, in the supplementary statement of the complainant, and that the supplementary statement suffered by the complainant further supports the prosecution case qua the involvement of petitioner in the commission of crime. According to learned State counsel, in view of gravity of offence committed by the petitioner, he is not entitled for the benefit of bail.

11. The record has been perused carefully.

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

i) that at the first instance, the name of petitioner did not figure in the FIR;

ii) that there is no eye witness account of the incident;

iii) that the prosecution is relying upon the supplementary statement of the complainant, who, by making inquiries

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at her own level implicated the petitioner as one of the accused;

iv) that the supplementary statement of the complainant is contradictory to the scientific evidence, as in the first statement, there is a specific plea that son of the complainant was killed by administering poisonous substance, but in the viscera report no poison has been detected;

v) that except the confessional statement of petitioner, there is no significant evidence to show his involvement in the commission of crime;

vi) that the specific role attributed to the petitioner in the commission of crime has not been detailed;

vii) that the trial of the case has been progressing at snail's pace, as out of ten prosecution witnesses, not even a single witness has been examined so far;

viii) that nothing has been left to the recovered from the possession of petitioner;

ix) that the detention of petitioner in the judicial lock-up is not likely to serve any purpose;

x) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and

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

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13. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court of India in the case of 'Dataram v. State of Uttar Pradesh and Another' (2018) 3 Supreme Court Cases 22**,** has 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 instaps 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."

14. The principles laid down by the Hon'ble the Supreme Court of India in the case of 'Satender Kumar Antil v. Central Bureau of Investigation' (2022) 10 Supreme Court Cases 51**,** are also relevant in this

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case. In the above mentioned 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."

15. Recently, in the case of 'Tapas Kumar Palit v. State of Chhattisgarh', 2025 SCC Online SC 322 the Hon'ble Supreme Court of India 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 above mentioned 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."

16. 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

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Another' 2024 SCC Online SC 4354.

17. If the cumulative effect of all the above mentioned 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.

18. 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 above said concession shall be subject to following conditions:-

a) 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;

b) 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 conclusion of trial; and

c) that the petitioner shall not leave India without prior permission of the trial Court.

19. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

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20. The pending miscellaneous application(s), if any, shall stand disposed of.

(Surya Partap Singh)
Judge

March 17, 2026
"DK"

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No

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