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

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**CRM-M-14835-2026 (O&M)
Decided on : 28.04.2026**

Tejinderpal Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

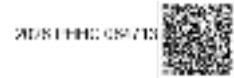
CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGHPresent: Mr. Suneel Sharma, Advocate
for the petitioner.

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

SURYA PARTAP SINGH, J. (Oral)

This petition is the third petition for bail, filed by the petitioner under Section 483 of 'the Bharatiya Nagrik Suraksha Sanhita', 2023. It has been filed with regard to a case arising out of FIR No.179 dated 21.08.2023, for the commission of offence punishable under Sections 307 of Indian Penal Code, 1860 and Section 25 and 27 of Arms Act, Police Station Sadar Kharar, District SAS Nagar.

2. The FIR of this case came into being at the instance of 'Manpreet' hereinafter being referred to as 'complainant' only. It was stated by the abovenamed complainant that his elder brother, Kulbir Singh, had been residing in America for the last seven years, where he had a dispute with their uncle namely Mandeep. As per complainant on 08.08.2023, he received a call on his phone and the caller stated that he was, Amrit Bal an infamous gangster. As per complainant Amrit Bal told him that his (complainant's) brother Kulbir was not listening to them and therefore, they



would take a revenge. As per complainant, he disconnected the phone call and thereafter, on 21.08.2023 in the evening, someone knocked the gate of his house and when he opened the gate, two persons who had come on a motorcycle, fired indiscriminately, but he managed to save himself by ducking down and taking shelter behind the gate.

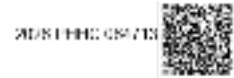
3. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

4. 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.

5. Heard.

6. It has been contended by learned counsel for the petitioner that this is the third bail petition filed by the petitioner and that the second bail petition was dismissed by the Co-ordinate Bench on 15.07.2025. As per learned counsel for the petitioner while dismissing the abovementioned petition, a liberty was given to the petitioner to file the petition if the trial was not concluded by 31.12.2025.

7. In addition to above, it has also been contended by learned counsel for the petitioner that the petitioner has already suffered a prolonged incarceration for a period of two years seven months and nineteen days, and that the similarly placed co-accused namely Anil Kumar has already been accorded the benefit of bail vide order dated 09.10.2025.

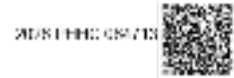


8. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel although the case of the petitioner stands on parity with the co-accused Anil Kumar, yet, the petitioner is not entitled to bail as there is no significant change in circumstances from the date of dismissal of second bail petition. It has also been contended by learned State Counsel that allegation against the petitioner are for the commission of serious nature of offence and that for such offence, the petitioner is not entitled to the benefit of bail.

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:-

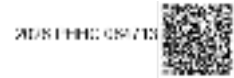
- i. that the petitioner is already in custody for a period of two years seven months and nineteen days;
- ii. that the benefit of bail has already been accorded to the similarly placed co-accused;
- iii. that at the time of dismissal of second bail petition, liberty was given to the petitioner to file third bail petition after 31.12.2025;
- iv. that the trial is not likely to be concluded in near future as out of sixteen prosecution witnesses, only nine have been examined, so far;
- v. that nothing has been left to be recovered from the possession of petitioner;
- vi. that the detention of petitioner in judicial lock-up 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.

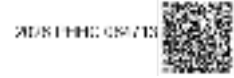
11. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption 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



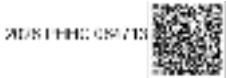
many tools for the Judges to use in order to ensure that cases proceed efficiently”.

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

28.04.2026
Vinod

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No