



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CRM-M No.17789 of 2026 (O&M)
Date of Decision: 09.04.2026

Ajitpal Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

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

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

SURYA PARTAP SINGH, J. (Oral):

This is the first petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.11 dated 02.03.2025, for the commission of offence punishable under Sections 103, 109, 317(2), 61(2) and 238 of Bharatiya Nyaya Sanhita 2023, and Sections 25 and 27 of Arms Act, Police Station Qila Lal Singh, District Batala, Gurdaspur.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Parminder Kaur', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that her son, namely 'Ajitpal Singh', who was residing separately with his family, used to demand the entire land owned by her husband and on the above mentioned issue he used to fight with them. It was also stated by the complainant that they were also involved in litigation with 'Baljit Singh' and



‘Balbir Singh’. According to complainant on 01.03.2025 she, along with her husband, had gone for ‘langar sewa’ and that at about 9.00 P.M. when she along with her husband was returning home on the motorcycle, near tube-well of ‘Major Singh’ one identified person fired a guns shot upon them, and that in the above mentioned incident of firing she and her husband had suffered gun-shot injuries. As per complainant, the injuries suffered by her husband proved to be fatal.

4. It is the case of prosecution that in view of above mentioned statement formal FIR of this case was lodged and the investigation taken up. The prosecution has further alleged that during the course of investigation it was found, on the basis of supplementary statement of complainant, that the above mentioned gun-shots were fired by her son ‘Ajitpal’, and that a conspiracy was hatched by ‘Ajitpal’ with the opponents, namely ‘Baljit Singh’ and ‘Balbir Singh’, for killing her husband. As per prosecution in view of above mentioned supplementary statement the accused were arrested.

5. **Notice of motion.**

6. Since advance notice has already been served upon the State, Mr. I.P.S. Sabharwal, DAG, Punjab, has appeared on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with. He 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.

7. **Heard.**

8. The record has been perused carefully.



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

- i) that the petitioner is already in custody for a period of more than one year and twenty eight days;
- ii) that custody certificate shows that the petitioner has clean antecedents;
- iii) that the investigation in this case is already complete, and therefore, nothing has been left to be recovered from the possession of petitioner;
- iv) that the statement of star witness of the prosecution, i.e. complainant/injured Parminder Kaur, has already been recorded as PW-1, and in her testimony the PW-1 has not supported the prosecution version with regard to the allegations that conspiracy to kill her husband was hatched by Baljit Singh and Balbir Singh, or that the gun-shots were fired by the petitioner;
- v) that in view of above mentioned statement of the only eye-witness, the prosecution case stands demolished;
- vi) that the trial of this case is not likely to be concluded in near future;
- vii) that the detention of petitioner in judicial lock-up is not likely to



serve any purpose;

viii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;

ix) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

10. 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) 3 SCC 22, 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”.

11. 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 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”.

12. 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”.

13. 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 an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

14. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and that the present petition deserves to be allowed.

15. 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 abovesaid benefit 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 from disclosing 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 trial Court.

16. It is, however, made clear that any observation made
hereinabove is only for the purpose of deciding the present petition and the
same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

09.04.2026
Manoj Bhutani

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