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

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**CRM-M No.17431 of 2026
Date of Decision: 29.04.2026**

Avtar Singh alias Ladi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Deepak Kohli, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. J.K. Singla, Advocate and
Ms. Suman Rani, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.144 dated 11.08.2022 registered under Sections 302, 450, 323, 148, 149 and 506 of IPC at Police Station Bhikhi, District Mansa. The previous petition as filed by him, has been dismissed as withdrawn.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant Jarnail Kaur alleging that on

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11.08.2022, at about 8:00 PM, her son Shanty Singh went to a shop of village to purchase a cold drink and when he reached near the house of co-accused Bhola Singh, the latter along with the co-accused Rurra Singh, Tari Singh, Balwinder Singh, Harman Singh and Ram Singh and some unknown persons, was found standing in the street. Tari Singh intentionally struck with her son and upon asking the reason, all the above named persons started beating him. He ran and entered inside his house. Then the present petitioner also reached there and took some weapon from the house of co-accused Bhola Singh and all of them forcibly entered in the house of the complainant. Harman Singh and Ram Singh caught hold of Shanty Singh from his hair, Balwinder Singh caught hold of his arms and accused Tari Singh struck two blows with a knife on the right side of his chest. Son-in-law of the complainant- Gursewak Singh and nephew-Dilpreet Singh tried to save him but assailants attacked upon them also. The present petitioner struck blows with knife on right side of chest and right bicep of Dilpreet Singh. They also hurled abuses to the complainant and her family members. On clamour being raised by the complainant, the assailants fled from the spot with their respective weapons. The injured were rushed to the hospital, where son of the complainant was declared to be brought dead. After registration of FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim was got conducted. On 11.08.2022, the petitioner along with the co-accused Jagtar Singh @ Tari and Rurra Singh was arrested, whereas the other co-accused were also

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arrested subsequently. On interrogation, they suffered disclosure statements admitting their involvement in the crime. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not present at the spot at the time of occurrence. Injuries that have been attributed to him are upon the person of victim Dilpreet Singh which have been opined to be simple in nature. His antecedents are clean. No injury on the person of the deceased has been attributed to him. He is in custody for a period of over 03 years, and 08 months. No useful purpose would be served by detaining him in custody any more. Each day spent by him in custody has furnished a reason for extending benefit of bail to him. The co-accused Harman Singh and Bhola Singh have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, therefore, argued that the petition deserves to be allowed.

4. Status report and custody certificate have been filed. Learned State counsel assisted by learned counsel for the complainant has argued that the allegations against the petitioner are serious in nature. By forming membership of an unlawful assembly with the co-accused, he had struck blows with a kirch on the right side of chest and bicep of Dilpreet Singh. It is, however, admitted that the injuries so sustained by Dilpreet Singh have been opined to be simple in nature. The trial may be expedited. It is, therefore, argued that the petition does not deserve to be allowed.

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5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, injuries were caused to the victims which proved fatal to victim Shanty Singh. From the allegations as set out in the FIR, the fatal injury attributed to the deceased has been specifically assigned to co-accused Tari Singh, whereas the role attributed to the present petitioner is limited in nature. The injuries that have been attributed to him were on the person of injured Dilpreet Singh and have been opined to be simple in nature. In view thereof, the degree of culpability of the petitioner stands on a footing distinguishable from that of the principal assailant. It is also not disputed that a co-accused, namely Harman Singh and Bhola Singh have already been granted the concession of bail. No distinguishing circumstance has been pointed out by the State to deny the benefit of parity to the present petitioner. A perusal of the record also reveals that the trial is substantially delayed as only seven out of total twenty-five prosecution witnesses have been examined so far. The petitioner has been in custody for the past 03 years, 08 months and 18 days. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in

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custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody anymore.

7. As per the discussion made above, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case and if it appears that it is on account of any act and conduct of the petitioner that further delay is being caused in the conclusion of the trial and further subject to his abiding by the following conditions:-

(i) The petitioner will not tamper with evidence during

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trial.

(ii) he will appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.

(iii) 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 police officer.

(iv) any infraction shall entail in withdrawal of the benefit granted by this court.

8. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

29.04.2026
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(MANISHA BATRA)
JUDGE

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