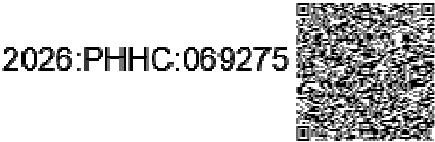


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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Komalpreet Singh
.....Petitioner
Versus
State of Punjab
...Respondent

Date of Decision: May 05, 2026
Date of Uploading: May 05, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Lakhwinder S. Sidhu, Advocate for the petitioner.
Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the BNSS, 2023 (erstwhile Section 439 Cr. P.C.) seeking grant of regular bail to the petitioner, in FIR No.234 dated 19.09.2024, registered under Sections 103, 109, 115(2) and 3(5) of the BNS, 2023 (Sections 117(2), 118 of the BNS added later on and Section 115(2) of the BNS deleted later on), at Police Station Sadar Mansa, District Mansa.

2. The gravamen of the allegations against the petitioner is that complainant, namely, Jasvir Kaur stated that on 18.09.2024 at about 8:30 PM, her son Jaspreet Singh (since deceased), along with his friend Kala Singh, was standing near the *phirni* (village pathway) close to their house. At that time, Avtar Singh came there, started using abusive language towards Jaspreet Singh, and raised a *lalkara*. Thereafter, Avtar Singh went back to his house, brought a

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kasiya (sharp-edged agricultural weapon), and inflicted a blow on the head of Jaspreet Singh, causing him to fall to the ground.

In the meantime, Komalpreet Singh (*petitioner herein*) also reached the spot. Both accused persons then continued to assault Jaspreet Singh with their respective weapons. Meanwhile, the complainant's husband, namely, Makhan Singh, reached the spot and attempted to rescue his son. At that point, Komalpreet Singh (*petitioner herein*) inflicted a blow with a *kasoli* (sharp weapon) on Makhan Singh, hitting him on the head and neck. Both accused persons continued to attack Makhan Singh and Jaspreet Singh. As a result of the assault, Jaspreet Singh sustained severe injuries and was taken to the hospital for treatment, where he was declared dead. Makhan Singh, who also sustained serious injuries, was admitted to the hospital and later referred to Rajindra Hospital for further treatment.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 11.10.2024. Learned counsel has urged that the petitioner has been falsely implicated into the FIR in question primarily on account of his being son of co-accused, namely, Avtar Singh. Learned counsel has argued that mother of the petitioner, namely, Amarjit Kaur was also implicated into the FIR in question, but was later on found innocent by the police. Learned counsel has urged that assuming *arguendo*, the prosecution version is taken to be correct, prime attribution to the petitioner is of causing injury to the eye-witness – Makhan Singh, but the petitioner is not stated to have caused specific injury to the deceased. Learned counsel has further urged that the petitioner is a youngman aged 20 years and has suffered incarceration for more than 01½ years. Learned counsel has further urged that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

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4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel has further argued that the petitioner is ascribed the role of actively participating in the commission of offence and has also given injury on the head of the father of the deceased. Learned State counsel seeks to place on record the custody certificate dated 04.05.2026, in the Court today, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 11.10.2024, whereinafter, investigation was carried out and challan *qua* the petitioner has been presented on 11.12.2024. Total 39 prosecution witnesses have been cited, out of which, none has been examined till date.

At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494***, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that

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an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

21. *We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”*

The rival contention raised at Bar give rise to debatable issues, which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 04.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 06 months and 20 days, & the petitioner is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail, if not required in any other case, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.

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- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
 - (vii) The petitioner shall not in any manner try to delay the trial.
8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 05, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No