

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

2026.PHHC.060838



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CRM-M-19823-2026

Date of decision: 22.04.2026

Date of uploading: 22.04.2026

Shailender Kumar @ Lala

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Angad Parmar, Advocate for the petitioner(s).

Mr. Baljinder Singh Sra, Addl. AG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS 2023 for grant of regular bail to the petitioner in case bearing FIR No.198 dated 16.10.2022, registered for the offences punishable under Sections 302 and 120-B of IPC, at Police Station Sadar Ludhiana, District Ludhiana.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Sudha Devi wife of Mahesh, resident of Nai Bazar Khaga, Police Station Khaga, District Fatehpur, U.P., aged about 35 years, mobile No. 87951806825 + 9793237849, stated that she is a resident of the above-mentioned address. Her mother Shiv Kali and father Moti Lal Gupta have expired. They are four siblings. Her elder brother's name is Raju Gupta who resides at Patel Nagar, Kanpur, and her younger sister Roopa Gupta wife of Shri Chand Gupta resides at Raja Market, Kanpur, who is younger than her, and she herself is younger than them, and the youngest brother is Surinder Gupta whose age is about 32 years. He got married in the year 2013 with Guddiya Devi daughter of Parsotam, resident of village Baberu, District Banda, U.P., after which both of them started living in Ludhiana city on rent at different places. At present, her brother Surinder and his wife Guddiya Devi are living as tenants in the house of Vinod, Gali No. 1, village Phullawal, Ludhiana. Her brother used to often tell her on phone that his wife Guddiya Devi has relations with Shailender Kumar son of Ram Bali, resident of Jawaddi, Ludhiana. In the month of February 2022 also Guddiya Devi had gone away from home with Shailender Kumar, but later we talked to Guddiya and sent her back with Surinder. After that Surinder used to tell her on phone that Guddiya Devi is still in contact with Shailender Kumar, due to which there used to be quarrels between them and Guddiya Devi used to say to Surinder that if he stops her from talking to or meeting Shailender Kumar, she would get him killed. On a certain date, her brother Surinder called her on her above-mentioned phone number from his mobile number 7355438837 and told her that his wife is quarreling with him and threatening to kill him, upon which she told him that she would soon come to Ludhiana and make his wife understand. On 14.10.2022 she came to know that due to injury on the head of her brother SurinderGupta, her sister-in-law Guddiya got him admitted in Civil Hospital, and due to serious injuries the doctors of Civil Hospital referred him to Rajindra Hospital. Patiala, where yesterday her brother died due to head injuries. Her sister-in-law Guddiya had deliberately stated that Surinder had met with an accident, but now she has come to know that her sister-in-law Guddiya Devi along with her

lover Shailender Kumar attacked her brother Surinder Gupta on the head with an iron rod (sabbal), due to which injuries he died. The reason for this enmity is that her sister-in-law Guddiya Devi had relations with Shailender Kumar and her brother used to stop them from meeting each other. Therefore, her sister-in-law Guddiya Devi and her lover Shailender Kumar attacked her brother on the head with an iron rod and committed his murder, and legal action be taken against them. She along with her brother Raju Gupta has appeared and informed accordingly, her statement has been recorded, read over and found correct. Signed/-Sudha (in Hindi). attested signed/- Raju Gupta (in Hindi), verified SD/- Major Singh ASI Police Station Sadar Ludhiana dated 16/10/2022.”

3. Learned counsel appearing for the petitioner has argued that the petitioner is in custody since 16.10.2022. Learned counsel appearing for the petitioner has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the case in hand is not on eye witness account. Learned counsel appearing for the petitioner has further submitted that all the prime private prosecution witnesses stand examined. Learned counsel appearing for the petitioner has further submitted that the petitioner has suffered incarceration for about 3½ years. He has further iterated that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 19.04.2026, which is taken on record.

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

6. The petitioner was arrested on 16.10.2022 whereinafter investigation was carried out and challan was prepared on 06.01.2023 and subsequently has been presented. Total 18 prosecution witness have been cited, out of which only 4 have been fully examined and 2 have been examined partly. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494***, relevant whereof 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.”

It is further not in dispute that all the prime private prosecution witnesses stand examined. The rival contentions of the learned counsel for

the parties shall be gone into during the course of the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioners absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate filed today, the petitioner has undergone 3 years, 5 months and 30 days & is not shown to be involved in any other case/FIR.

Suffice to say, the further detention of the petitioners in custody is not required in the facts and circumstances of the case.

7. In view of the above, the petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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.
- (vi) The petitioner shall give his cell phone 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/Illaqha 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 petitioners.
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.

April 22, 2026
Naveen

(SUMEET GOEL)
JUDGE

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