

2026:PHHC:068236



CRM-M-23553-2026

-1-

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

223

CRM-M-23553-2026 (O & M)

Date of decision: 04.05.2026

HARBANS SINGH @ HAPPY

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sandeep Saini, Advocate,
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS, is for grant of regular bail to the petitioner in case FIR No.48 dated 12.06.2023, registered at Police Station Kheri Gandian, District Patiala, under Sections 302 IPC-103 BNS, 201 IPC-238 BNS, 328 IPC-123 BNS, 120-B IPC-61 BNS, 34 IPC-3(5) BNS.

2. Learned counsel contends that the petitioner has been in custody for 2 years and about 9½ months. He alleges false implication. He was not named in the FIR, rather came to be implicated during investigation, however, there is no evidence to connect him with the alleged incident, he was not present at the spot. The allegations against him are similar to those levelled against Baljinder Singh and Jaswinder

CRM-M-23553-2026

Singh @ Kachu, who have since been granted bail by this Court, vide orders dated 27.08.2025 and 18.12.2025, Annexures P-2 and P-3, respectively. It is a case of circumstantial evidence with the allegations of administering Salphos forcibly to the deceased, however, as per the FSL report, he had died due to head injury. Charges have been framed on 21.08.2024, 6 PWs including the material witnesses, stand examined but there are still 29 more to go. He is not involved in any other case.

3. The custody certificate dated 01.05.2026, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 2 years, 9 months and 13 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner of having administered Salphos, alongwith co-accused, to the deceased. However, he is unable to controvert the submissions with regard to stage of the case; the petitioner being not involved in any other case and the co-accused are on bail.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 2 years, 9 months and 13 days; not involved in any other case; co-accused are on bail; charges stand framed on 21.08.2024, however, 6 PWs including the material witnesses, have been examined out of 35; the trial is likely to take a considerable time and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

CRM-M-23553-2026

7. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

04.05.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No