



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

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**CRM-M No.23776 of 2026
Date of decision : 4.5.2026
Date of uploading : 5.5.2026**

Lakhwinder Singh @ Lakha**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Gaurav Sharma, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

SUMEET GOEL, J. (ORAL)

1. The instant petition is third attempt, which has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner in case bearing FIR No.77 dated 07.05.2019 under Section 365 of IPC (Sections 302, 201, 120-B of IPC added later on), registered at Police Station Sadar Patti, District Tarn Taran.

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 Rasal Singh son of Karam Singh, caste Majhbi Sikh, resident of Muthiya Wala, aged about 25 years, Phone 7589253629, stated that I am resident of above said resident and doing the work of labour and we are three brothers, eldest one is Harpal Singh and he is younger to him and youngest one is Manjit Singh and I and Harpal Singh are married and Manjit Singh is still unmarried. Harpal Singh is living separately from the house in a room, I and Manjit Singh are residing with our parents. We have 5 Acre land and near about 4 killa of our land was mortgaged with



Lakhwinder Singh son of Darbara Singh, resident of Bandala, Police Station Arfke, District Ferozepur. We made a talk in family that by selling one killa land, release the remaining mortgaged land from Lakhwinder Singh by giving money to him. My father Karam Singh and brother Manjit Singh had made an agreement to sell the 1 Acre land with Jagir Singh, resident of Tutt wala in a consideration of Rs.11,60,000/- and approximately 6 months earlier, after selling 1 killa land to Jagdeep Singh and receiving Rs.3,00,000/- from him in Courts at Patti had given to Lakhwinder Singh. On 03.05.2014, My father Karam Singh and my brother Manjit Singh alongwith Nambardar Kashmir Singh, resident of Jhugian Nur Mohammad had gone to Tehsil Patti for execution of registry of the land, where my father Karam Singh and brother Manjit Singh had made a registry of sale deed of one killa land in favour of Jagdeep Singh son of Jagir Singh and made a talk to transfer Rs.4,03,000/- in the account of Lakhwinder Singh son of Darbara Singh, resident of Bandala. Thereafter my father Karam Singh and Nambardar Kashmir Singh came back to Kot Budda in the car of Lakhwinder Singh and my brother Manjit Singh was coming back to village on Motorcycle Discover bearing registration No PB46L-7247 and when my father Karam Singh and brother Manjit Singh did not come back then they made a talk with Jagjeet Singh who said that all three of them departed from him at Patti. We asked from Kashmir Singh Nambardar then he said that he and Karam Singh came to Kot Budda on the turn of Patti on the car of Lakhwinder Singh where Karam Singh had boarded off the vehicle and said that we have some work and Lakhwinder Singh Bhandala had gone after boarding him off in the village. Before leaving house, he had taken away photocopy of his Aadhar card and Aadhar card of all three. Thereafter, at about 4.30 phone of my brother Manjit Singh became switched off and till now, my father Karam Singh and brother Manjit Singh are not returned to home. We searched them at our own level in our relatives and other places but we could not find out them and in this regard, I informed you yesterday on 05.05.2019 and today I along with my brother Harpal Singh was going in Police Station to inform you, you met us. I have suspicion that my father Karam Singh and brother Manjit Singh was kidnapped by someone with bad intention. My brother and my father be traced and legal action be taken against accused persons. Statement got recorded, heard and found correct. Sd/- Rasal Singh, above said, Harpal Singh witness, attested by



Sd/- Kewal Singh ASI, Police Station Sadar Patti, Dated 07.05.2019.Police proceedings.'

3. Learned counsel appearing for the petitioner has submitted that the petitioner is in custody since 17.05.2019. Learned counsel appearing for the petitioner has further submitted the petitioner has been falsely implicated into the FIR in question. Learned counsel appearing for the petitioner has further submitted that the petitioner is a man with clean antecedents and has already incarceration for about 11 years. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 4.5.2026 in Court, 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 17.5.2019 wherein after investigation was carried out; challan was prepared on 23.7.2019 and subsequently filed. Total 38 prosecution witnesses have been cited, out of which only 29 have been examined till date. It is not in dispute before this Court that all the prime private witnesses stand examined. It is thus indubitable that culmination of trial will take its own time. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi***



Shaikh vs. State of Maharashtra and another, decided on 03.07.2024;

relevant whereof reads as under:-

“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 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 contentions raised at Bar give rise to debatable issues which shall 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 4.5.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 6 years, 10 months and 30 days. As per the said custody certificate, the petitioner is stated to be involved in 2 other FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a



ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

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 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.
- (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/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.

(SUMEET GOEL)
JUDGE

4.5.2026
Ashwani

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