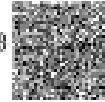


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2026.PHHC.005628



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

**CRM-M-25697-2025 (O&M)
DECIDED ON: 16.01.2026**

SWARAN SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Ranjit Singh Sidhu, Advocate for
Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. H.S. Wadhwa, DAG, Punjab.

MANDEEP PANNU, J (ORAL)

1. The present petition is the fourth petition filed by the petitioner Swaran Singh under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of regular bail in FIR No.03, dated 06.01.2021, registered under Sections 302 and 34 IPC at Police Station Sanaur, District Patiala.

2. As per the averments made in the petition, the petitioner asserts that he is a peace-loving and law-abiding citizen and has been falsely implicated in the present case. The FIR was registered on the statement of the complainant Jagtar Singh in relation to the death of his cousin Gurjeet Singh, allegedly arising out of a dispute regarding construction of a ramp. It is pleaded that although allegations were levelled against four persons, during investigation the other accused were found innocent and challan was

presented only against the petitioner. Later on, the said co-accused were summoned under Section 319 Cr.P.C. and are facing trial, though they have already been granted anticipatory bail.

3. It is further averred that the complainant Jagtar Singh, who was examined as PW-2, has not supported the prosecution case and has specifically stated that he did not witness the occurrence and did not identify the petitioner as the assailant. The other eye-witness, PW-1 Pritpal Singh, is a related witness. The petitioner has been in custody since 07.01.2021. It is also pleaded that the trial is proceeding at a slow pace and no useful purpose would be served by keeping the petitioner incarcerated for an indefinite period. Earlier bail applications have been dismissed and the present petition has been filed after material developments in the trial.

4. Learned counsel for the petitioner, while reiterating the averments made in the petition, submits that the petitioner has been in custody for nearly five years, the material eye-witnesses have already been examined, and the complainant himself has not supported the prosecution case. It is further submitted that these material aspects were not available or considered at the time of dismissal of the earlier bail applications. It is also contended that the conclusion of trial is likely to take considerable time.

5. The State has filed a status report, which has been taken on record and perused.

6. Learned State counsel has vehemently opposed the bail application. It is argued that the petitioner is the main accused who inflicted the fatal blow with a kirch on the deceased, resulting in his death. It is submitted that the petitioner cannot claim parity with the co-accused who were summoned under Section 319 Cr.P.C., as no active role was attributed

to them and they had merely caught hold of the deceased. It is contended that the role of the present petitioner is distinct and graver in nature and, therefore, he is not entitled to the concession of bail.

7. This Court has considered the rival submissions and has gone through the record. The petitioner has remained in custody for about four years and eleven months. As per the status report, out of 25 prosecution witnesses, only 5 witnesses have been examined so far. The case rests upon an eye-witness account and both the alleged eye-witnesses have already been examined. The complainant Jagtar Singh, who is PW-2, has not supported the prosecution case and has been declared hostile. He has not identified the petitioner as the assailant. This is a significant circumstance, which admittedly was not available for consideration at the time of dismissal of the earlier bail applications.

8. Further, the trial is still at an early stage and its conclusion is likely to take a considerable time. Continued incarceration of the petitioner, in these circumstances, would not serve any useful purpose.

9. The Hon'ble Supreme Court in '*Balwinder Singh v. State of Punjab and another*', 2024 SCC Online SC 4354, has held that prolonged incarceration without conclusion of trial infringes the right to life and personal liberty under Article 21 of the Constitution and that bail can be granted to ensure that the trial itself does not become a punishment, particularly where the accused has remained in custody for nearly four years.

10. Similarly, in '*Praveen Rathore v. The State of Rajasthan and another*', 2023 SCC Online SC 1268, the Hon'ble Supreme Court granted bail to an accused facing charges under Section 302 IPC, considering the

fact that he had already undergone more than four and a half years of custody and that the trial was likely to take time, subject to strict conditions.

11. In view of the aforesaid facts and circumstances, without expressing any opinion on the merits of the case, this Court is of the considered opinion that the petitioner deserves the concession of regular bail.

12. Accordingly, the present petition is allowed. The petitioner Swaran Singh is ordered to be released on regular bail, subject to his furnishing adequate bail and surety bonds to the satisfaction of the learned Trial Court/Duty Magistrate concerned. The petitioner shall appear before the Trial Court on each and every date of hearing and shall not misuse the concession of bail in any manner.

13. All pending miscellaneous application(s), if any, stands disposed of.

16.01.2026

Poonam Negi

(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No