



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

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CRM-M No.26562 of 2026 (O&M)

Date of Decision: 15.05.2026

Charanjit Singh**.....Petitioner****Versus****State of Punjab****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH****Present:** Mr. Kushagra Mahajan, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.44 dated 28.03.2024, for the commission of offence punishable under Sections 302 [Section 149 added later on] of 'Indian Penal Code 1860', Police Station Kamboj, District Amritsar Rural.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Sushil Kumar', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that his son namely 'Ankit Bawa' was working as a labourer in a factory known as 'Sanj Private Limited', Mehta Road, New Focal Point, Amrtisar. According to complainant, his son was having friendship with 'Jatinder Singh @ Kalu', who was a drug addict. As per complainant, on 27.03.2024 his son was called by 'Jatinder Singh @ Kalu' in day time, and that



till 04.00 P.M. on 28.03.2024 the whereabouts of his son were not known. It was further stated by the complainant that at about 4.00 P.M. on 28.03.2024 a the dead body of his son 'Ankit Bawa', was found near canal in village Udhian. The complainant further alleged that 'Jatinder Singh @ Kalu' had called his son with the intention to kill him because he was upset due to the resistance against the meeting of his son with 'Jatinder Singh @ Kalu'.

3. It is the case of prosecution that in view of above mentioned statement, formal FIR of this case was lodged and the investigation taken up.

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. Jasdev Singh Thind, DAG, Punjab, has appeared on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with. He has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State counsel has orally opposed the present petition.

6. Heard.

7. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, there is no eye-witness account in the present case, and that merely, on the basis of an assumption that the petitioner was annoyed due to the resistance by the complainant against the meeting of his son with the petitioner, the petitioner is being subjected to prolonged incarceration. According to learned counsel for the petitioner, any convincing and reliable



evidence does not exist to establish link between the commission of crime & the petitioner, and that the petitioner has already suffered incarceration for a period of more than two years, one month and thirteen days. It has also been pointed out by learned counsel for the petitioner that during the above mentioned period, there is no progress in the trial as even the charge is yet to be framed.

8. It has also been contended by learned counsel for the petitioner that after the framing of charge 19 prosecution witnesses have to be examined by the prosecution, and that recording of their testimonies will definitely consume a lot of time. While claiming that due to delay in trial, the fundamental right of life and liberty guaranteed under the Constitution of India is being violated, the learned counsel for the petitioner has urged for the release of petitioner on bail.

9. Per contra, the learned State counsel has argued that the allegations against the petitioner are very specific with regard to commission of murder of the son of complainant. As per learned State counsel, in view of the gravity of above mentioned offence, duly supported with reliable evidence, the petitioner is not entitled to the benefit of bail.

10. It has been further contended by learned State counsel that during the course of investigation co-accused 'Sahil' has suffered a disclosure statement, wherein he confessed that he along with the deceased and three more persons, namely Charanjit Singh (petitioner herein), Lovejit Singh alias Jehrila, Dilbagh Singh alias Bagha and Jatinder Singh alias Kallu had consumed liquor, and thereafter, they entered into arguments which led to a



scuffle, and that they thrashed the deceased which led to his death. According to learned State counsel, the above mentioned evidence *prima facie* proves the involvement of petitioner in the commission of crime.

11. The record has been perused carefully.

12. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for a decision in the present petition:-

- i) that the only evidence collected against the petitioner is the disclosure statement suffered by the co-accused, who was already in police custody, at the time of recording of statement. Thus there is a question mark with regard to credibility and admissibility of such disclosure statement/confessional statement in evidence;
- ii) that there is no eye witness account to prove the involvement of petitioner in the commission of crime;
- iii) that the petitioner is already in custody for a period of two years, one month and thirteen days;
- iv) that nothing has been left to be recovered from the possession of petitioner;
- v) that the trial is not likely to be concluded in near future as out of 19 prosecution witnesses, not even a single witness has been examined so far;
- vi) that there is no criminal history of the petitioner with regard to involvement in any hurt case;
- vii) that the detention of the petitioner in judicial lock up is not likely to serve any purpose;
- viii) that there is nothing on record to show that if released on bail,



the petitioner is likely to tamper with the evidence, or influence the witnesses;

- ix) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

13. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of



a case”.

14. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 SCC 51 are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

15. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.



16. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to an undertrial prisoner, as mandated by Hon'ble Apex court in 'Balwinder Singh versus State of Punjab and another' 2024 SCC Online SC 4354.

17. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and that the present petition deserves to be allowed.

18. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the abovesaid benefit shall be subject to following conditions:-

- i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any other authority;
- ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- iii) that the petitioner shall not leave India without prior permission



of trial Court.

19. It is, however, made clear that any observation made hereinabove is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

15.05.2026
Manoj Bhutani

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