



CRM-M-28980-2026

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

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CRM-M-28980-2026

Date of decision : 26.05.2026

BHUPINDER SINGH @ SHERA

... PETITIONER

Versus

STATE OF PUNJAB

.. RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. J.S. Brar, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

H.S. Grewal, J.(Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 439 Cr.P.C.) seeking regular bail to the petitioner in case FIR No.108 dated 03.05.2020 under Sections 120-B, 148, 149, 302 and 450 of IPC (now Sections 61, 191(3), 190, 103(1), 332(B) of BNS, 2023) read with Sections 25 and 27/54/59 of the Arms Act, 1959 {Sections 411 and 482 IPC (corresponding Sections 317(2), 345(3) of BNS) added later on}, registered at Police Station Sadar Kapurthala, District Kapurthala.

2. The case of the prosecution is that the petitioner, along with the co-accused, entered into a criminal conspiracy and committed the murder of Balkar Singh @ Mantri, who was the brother of the complainant-Tirath Singh. It is alleged that the petitioner fired a gunshot at the chest of the deceased using a country-made pistol, which was subsequently recovered from his possession.

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3. Learned counsel for the petitioner, however, submits that the petitioner has been falsely implicated in this case and there is a considerable delay in lodging of the FIR as the incident is stated to have taken place on 06:00 PM while the FIR was lodged at 11:39 PM. Learned counsel further submits that the petitioner is in custody for the last more than 05 years, 10 months and 25 days and co-accused(s), namely, Harjap Singh @ Harjab Singh and Kuldeep Singh @ Bhalla have already been granted bail by this Court in CRM-M-38897-2025 and CRM-M-22220-2026 on 29.01.2026 and 28.04.2026 (Annexures P-6 & P-7 respectively). Although the petitioner is involved in other cases but he has been acquitted in those cases. He, therefore, prays for release of the petitioner on regular bail as the trial is yet to start and moreover, the proceedings are presently stayed by this Court vide order dated 20.05.2024 passed in CRR-1016-2024, filed by the complainant against the order on the application under Section 319 Cr.P.C. seeking summoning of additional accused persons.

4. Notice of motion.

5. On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, accepts notice on behalf of the respondent and vehemently opposes the prayer for grant of regular bail to the petitioner. He has filed the custody certificate of the petitioner in Court, which is taken on record. As per the custody certificate, the petitioner is in custody for the last more than 05 years, 10 months and 25 days. He, upon instructions, submits that challan has already been presented but none out of 28 cited prosecution witnesses has been examined so far.



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6. I have heard the learned counsel for the parties and perused the record.

7. In view of the above submissions of learned counsel for the parties and keeping in view the facts that the petitioner is in custody for the last more than 05 years, 10 months and 25 days, co-accused(s) have already been granted bail and that the trial is likely to take a long time to conclude as the trial is yet to commence, therefore, this Court deems it appropriate to grant the concession of regular bail to the petitioner during the pendency of the trial as the continuous detention of the petitioner would not serve the ends of justice.

8. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of ***Pardeep Kumar @ Banu versus State of Punjab***, bearing Criminal Appeal No.1341/2026 (arising out of SLP(Cri.) No.18775/2025), decided on 13.03.2026, wherein it has been categorically held that where the accused has remained in custody for a considerable period and the trial has not even commenced, or is not likely to conclude in the near future, therefore, continued incarceration would amount to punishment without trial. In such circumstances, further detention pending trial is not necessary and the accused is entitled to be released on bail.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

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10. However, it is made clear that in case the petitioner misuses the concession of bail, the State/complainant would be at liberty to seek cancellation of his bail.

May 26, 2026
Sonia

(H.S.GREWAL)
JUDGE

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