



CRM-M-29732-2025 (O&M)

1

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

227

CRM-M-29732-2025 (O&M)

Date of decision : 15.01.2026

Sukhdev Singh @Sukha

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Ms. Saroj Kumari, Advocate for
Mr. Vinod K. Kaushal, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Sections 302, 307, 323, 120-B, 148, 149 and 506 of Indian Penal Code, the FIR No.50 dated 20.04.2024 has been lodged in Police Station Chattiwind, District Amritsar. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of 'Sukhdev Singh', hereinafter being referred to as 'complainant' only. It was stated by above-named complainant that on 20.04.2024 at about 12:30 pm, his brother Ranjit Singh along with Baljinder Singh was sitting in front of his house on a ramp, where Sukhdev Singh @Sukha (petitioner herein) armed with iron pipe along with

**CRM-M-29732-2025 (O&M)**

2

Raja armed with Dhaang (blunt weapon), Matta armed with iron pipe, Husanpreet Singh armed with iron pipe, Lovepreet Singh armed with Dhaang and Daleep Singh armed with wooden handle, arrived. As per complainant, Lovepreet Singh exhorted to teach a lesson and they launched an attack upon them and inflicted injuries on the person of Ranjit Singh and Baljinder Singh. According to complainant, when his brother raised alarm for help, the public started gathering on the spot, and therefore, the assailants fled from the spot. The complainant further alleged that thereafter his brother Ranjit Singh was admitted to hospital, where he passed away.

3. It was further alleged by the complainant that the reason behind the abovementioned attack was that there was a conflict between two families as daughter of Ranjit Singh had solemnized love marriage with Lovepreet S/o Daleep Singh, and after residing at some other place for some time, they had shifted to the same locality, where the complainant and his brother were residing.

4. It is the case of the prosecution that in view of abovementioned statement, the FIR of this case was lodged, and the investigation taken up. As per prosecution, during the course of investigation, the petitioner was arrested.

5. **Notice of motion.**

6. Since advance notice has already been served upon the State, Mr. I.P.S. Sabharwal, DAG Punjab accepts notice on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The

**CRM-M-29732-2025 (O&M)**

3

learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

7. Heard.

8. It has been contended on behalf of petitioner that the petitioner has been falsely implicated in the present case, and that the factual matrix of the instant case shows that it is not possible to pin-point who inflicted injury on the person of deceased (Ranjit Singh), which proved to be fatal.

9. In addition to above, the learned counsel for the petitioner has also argued that the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than 01 year and 08 ½ months. The learned counsel for the petitioner has also argued that the petitioner has no criminal antecedents, and that the trial is taking place at a very slow place, as out of 19, not even a single prosecution witness has been examined so far.

10. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, the allegations against the petitioner are quite specific, categorical. As per learned State Counsel, during the course of investigation, sufficient evidence has been collected by the Investigating Agency, which shows that injury inflicted by the petitioner with the help of iron pipe on the head of Ranjit Singh was responsible for his death. As per learned State Counsel, in view of prominent role played by the petitioner in the commission of crime, the petitioner is not entitled for benefit of bail.

11. The record has been perused carefully.



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

- i) that as per custody certificate, the petitioner is already suffering prolonged incarceration for being in custody during the course of trial for a period of more than 01 year and 08 ½ months;
- ii) that out of 19 prosecution witnesses, not even a single witness has been examined so far;
- iii) that the petitioner has no criminal antecedents;
- iv) that dispute between the parties is with regard to love marriage of daughter of deceased and Lovepreet Singh;
- v) that nothing is left to be recovered from the possession of petitioner;
- vi) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- viii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

13. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, 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 Vs. Central Bureau of Investigation and Another’, (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. Therefore, 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 the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

17. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.



CRM-M-29732-2025 (O&M)

7

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 his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the 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 to disclose 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 the trial Court.

(SURYA PARTAP SINGH)
JUDGE

15.01.2026*Gaurav Thakur*

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No