

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

2026.PHHC:088476



**CRM-M-30348-2026 (O&M)
Date of Decision: 01.07.2026**

**AGAYAPAL SINGH @ AGHYAPAL SINGH ... PETITIONER
VERSUS
STATE OF PUNJAB ... RESPONDENT**

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

Present:- Mr. B.B.S. Randhawa, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. The petitioner is seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (439 Cr.P.C.) in FIR No.06 dated 25.01.2024, under Sections 308, 452, 323, 148, 149 IPC (Sections 302, 201, 449 of IPC added later on) (corresponding Sections 110, 115(2), 191(3), 190, 103, 238, 449(a) of BNS) registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur.

2. The case of the prosecution is that petitioner, along with the co-accused, attacked Jagpreet Singh, resulting in his death. The injury attributed to the petitioner is alleged to have been inflicted with a *datar*.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The deceased passed away after a gap of seven months from the date of the alleged incident. He further submits that though the petitioner has been named in the FIR, however, no role has been attributed to him in the FIR. Learned counsel for the petitioner further submits that Section 302 IPC has been added only after the death of

Jagpreet Singh, and it is yet to be determined during trial as to whether offence under Section 302 IPC would be attracted against the petitioner or not. The petitioner is in custody for the last 01 year, 08 months and 13 days and is not involved in any other case.

4. Notice of motion.

5. Mr. Sandeep Kumar, D.A.G., Punjab accepts notice on behalf of the State and vehemently opposes the prayer for grant of regular bail to the petitioner on the ground of gravity of allegations. Learned State counsel has filed the custody certificate in Court, which is taken on record. As per the custody certificate, the petitioner is in custody for the last 01 year, 08 months and 13 days and out of total cited 23 prosecution witnesses, only 01 witness has been examined so far.

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

7. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that the petitioner is in custody for more than 01 year, 08 months and 13 days and he is not involved in any other case; out of total cited 23 prosecution witnesses, only 01 witness has been examined so far; and continuous detention of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

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 trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

11. It is clarified that while on bail so granted through the instant order the petitioner is found indulging in any other criminal case, it shall be open to the State to seek cancellation of his bail.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

01.07.2026

Janki

(H.S.GREWAL)
JUDGE

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