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

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Daljit Singh alias Mintu

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 10.03.2026**Date of Uploading : 10.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Sukhbir Maandi, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.155 dated 20.04.2023, registered for the offences punishable under Sections 302, 380, 449 of IPC, registered at Police Station Goindwal Sahib, District Tarn Taran.

2. The present FIR was registered on the statement of the complainant namely Sukhwinder Singh who alleged that his son namely Gurdial Singh is residing with his sister in village Kazikot. The complainant lives in his house along with his wife Kulwinder Kaur @ Kinder Kaur and his daughter Anju. On 19.04.2023 at about 9:00 AM, the complainant, along with his wife, daughter and mother, went to the house of Rita. At about 6:00 PM, they returned to their house except for his mother who stayed behind. Later, at about 10:30 PM, the complainant, his wife and his

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complainant woke up to go to the washroom, he noticed that his wife i.e. Kulwinder Kaur, was not present on her bed. He, along with his daughter Anju, tried to search for her but could not find her initially. Subsequently, when they checked the room situated in the house of his brother they found Kulwinder Kaur lying on the ground. Blood was oozing from her mouth and she was already dead. Marks of strangulation were also visible on her neck and chest. The complainant has further alleged that Mintu, son of Mohinder Singh (petitioner herein), a resident of village Lohgarh used to talk to his wife on the mobile phone. The complainant has further alleged that earlier also he had objected to and stopped his wife from communicating with him. When the complainant tried to locate the mobile phone of his wife after the incident, it could not be found. On the basis of this statement, the present case was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 21.04.2023. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that petitioner was not initially named in the FIR and his name has surfaced in the supplementary statement by the FIR-complainant on the basis of suspicion. Learned counsel has further submitted that the said FIR-complainant namely Sukhwinder Singh has turned hostile while having been examined as PW-1. It has been further contended that the prime prosecution witness have already stands examined. Furthermore, the petitioner has suffered incarceration of more than 02 years and 10 months and is involved in any



other case. On the strength of these submissions, the grant of regular bail is entreated for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 09.03.2026, in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 21.04.2023, whereinafter, the investigation was carried out and the challan has been presented on 19.07.2023. Total 29 prosecution witnesses have been cited, out of which, only 05 have been examined till date. At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494***, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that



an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

21. *We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”*

The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 09.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 months and 10 months days, & is not shown to be involved in any other FIR(s). Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.



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- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

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

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 10, 2026

Ajay

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