



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

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CRM-M-35517-2025

Date of decision : 16.02.2026

KULWANT SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Naresh Kaushik, Advocate &
Mr. Mahesh Inder Preet, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

Mr. J.S. Ghumman, Advocate
for the complainant.

SURYA PARTAP SINGH, J.

1. This is second petition for bail filed by the petitioner with regard to a case arising out of FIR No.101 dated 13.11.2023 under Sections 307/323/324/325/148/149 [Section 302 added later on] of Indian Penal Code, hereinafter being referred to as 'IPC' only, Police Station Lohian, District Jalandhar Rural. The above-mentioned FIR came into being at the instance of Balwinder Kaur, hereinafter being referred to as complainant only, wherein she had stated that in the afternoon of 11.11.2023 at about 3.00 P.M. her husband Santokh Singh, who had returned from Italy, had gone to the fields to plant mustard. According to complainant after sometimes she notice a commotion in the field and, therefore, she along with her son Sarabjit Singh rushed to the field where they saw that Manpreet Singh, Kulwant Singh (petitioner herein),



Karnail Singh, Bakshish Kaur and Mandeep Kaur carrying sticks (dang), Baljinder Kaur, Amarjit Kaur and Sarabjit Kaur carrying baton (sota) and Gurmail Singh carrying chopper (gandasi) had attacked her husband Santokh Singh and they were inflicting injuries on his person. The complainant while giving the detail of injuries inflicted by Kulwant Singh, Manpreet Singh and Gurmail Singh further stated that Manpreet Singh had inflicted injury with the help of blunt weapon on the left leg of her husband, Gurmail Singh with the help of Chopper (gandasi) on his hand and Kulwant Singh with the help of blunt weapon on his stomach. It was further detailed by the complainant that they rescued Santokh Singh from the clutches of assailants and shifted him to the hospital where he passed away.

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

3. Heard.

4. It has been contended on behalf of petitioner that petitioner is innocent, who has been falsely implicated in the present case. According to learned counsel for the petitioner the petitioner has already suffered a prolonged incarceration for being in custody for a period of almost two years and three months. According to learned counsel for the petitioner although the fatal blow has been attributed to the petitioner but the relevant fact to be noted in the instant case is that the alleged fatal blow was with the help of a stick (blunt weapon).

5. In addition to above, it has also been contended by learned counsel for the petitioner that the petitioner has clean antecedents, and that this



is a case of version and cross version, wherein it is yet to be determined that as to whom amongst the true parties was aggressor. It has also been contended by learned counsel for the petitioner that trial is taking place at a very slow pace as out of 56 not even a single witness has been examined so far.

6. The learned State counsel being assisted by learned counsel for the complainant has controverted the above-mentioned arguments. It has been contended by learned State counsel that in the present case the allegations against the petitioner are quite specific qua the fact that the injury inflicted by him was responsible for the death of victim. According to learned State counsel the proceedings in the present case are going at a reasonable pace and the delay in recording of his statement of witnesses is due to filing of supplementary challan and also the application under Section 319 Cr.P.C.

7. The record has been perused carefully.

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

- i) that the benefit of bail has already been afforded to co-accused;
- ii) that the petitioner is in custody for a period of more than 02 years and 03 months;
- iii) that the first petition of bail moved by the petitioner was dismissed about one year back and since then there is no progress in the trial as despite lapse of more than 09 months not even a single witness has been examined in this case;
- iv) that the trial is not likely to be concluded in near future as out of 56 not even a single witness has been examined so far;
- v) that since injury on the person of victim was inflicted with a blunt weapon, there is big question mark as to whether there was an



intention on the part of petitioner to kill the victim or not;

- vi) that since the cross cases have been filed, it is to be decided during the course of trial only, which of the true party was aggressor;
- vii) that the petitioner has clean antecedents
- viii) that nothing is left to be recovered from the possession of petitioner and therefore, detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- ix) that the injury which proved to be fatal although attributed to the petitioner but the significant fact qua that injury is that it was caused with the blunt weapon on the stomach of victim which resulted into injury in the liver of the victim/deceased;
- x) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- xi) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

9. 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) 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”.

10. 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”.

11. 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”.

12. 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.

13. 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.

14. 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 concession 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 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

16.02.2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No