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

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Date of Decision: 26.02.2026

RAJWINDER SINGH @ RAJINDER SINGH @ RATNA
... PETITIONER

VERSUS

STATE OF PUNJAB **... RESPONDENT**

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

Present:- Mr. Surender Dhull, Advocate for the petitioner.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 483 of the BNSS for grant of regular bail to the petitioner in FIR No. 80 dated 02.08.2020 under Sections 302, 201, 34, 120-B of IPC and Section 27 of Arms Act, 1959 registered at Police Station, Sadar Morinda, District Rupnagar, Punjab.

2. As per the case of the prosecution, the complainant, namely Gurjant Singh, stated that he had gone to meet his brother Kulvir Singh, as his whereabouts were not known. Thereafter, he suspected that his brother had been killed by Gurmail Singh and Rajwinder Singh @ Ratna Singh on account of a pending civil dispute between them. Both the accused were subsequently arrested and, during interrogation, Gurmail Singh suffered a disclosure statement to the effect that he, along with the present petitioner, had killed the brother of the complainant. It was further disclosed by Gurmail Singh that he had fired at the deceased and, after committing the murder, he with the help of the petitioner, disposed of the dead body, the car, mobile phones, and other

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articles used in the commission of the offence in order to destroy the evidence against them.

3. Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and has been falsely implicated in the present case. He further contends that the petitioner has been nominated solely on the basis of the disclosure statement allegedly suffered by the co-accused, which is not admissible in evidence. It is further submitted that, apart from the said disclosure statement, there is no evidence available on record to connect the petitioner with the alleged offence. Nothing has been recovered from the possession of the petitioner. The petitioner is in custody since 03.08.2020.

4. Notice of motion.

5. Mr. Rishabh Singla, AAG, Punjab accepts notice on behalf of the respondent-State. He submits that apart from the firearm injuries inflicted by the co-accused, the present petitioner had also given an axe blow on the head of the deceased, which resulted in a fracture of the scalp. He further submits that dead body was recovered from the dickey of the Audi car. He has filed the custody certificate in the Court, which is taken on record. As per the custody certificate, the petitioner is in custody for more than 05 year 06 months and 15 days and is not involved in any other case under IPC Act. He further submits that charges have been framed and out of 38 prosecution witnesses only 15 have been examined so far.

6. I have heard the submissions made by the parties and gone through the record.

7. After hearing the rival contentions of learned counsel for the parties and keeping in view the facts and circumstances of the case and the fact



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that apart from the disclosure statement there is no other corroborative evidence on record to connect the petitioner with the alleged offence; the petitioner is in custody for the last 05 year 06 months and 15 days ; only 15 witnesses have been examined so far; the petitioner is not involved in any other case under the IPC Act and the trial is moving at a snail's pace, this Court is of the view that further detention of the petitioner would not serve any useful purpose. Moreover, it is a settled principle of law that “*bail is the rule and jail is the exception.*”

8. 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/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

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

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

26.02.2026
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(H.S.GREWAL)
JUDGE

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