



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

109

CRM-M-36742-2025 (O&M)

Date of decision : 25.02.2026

Balbir Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.
(joined through hybrid mode)

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

Mr. Sachin Sharma, Advocate for the complainant.

SURYA PARTAP SINGH, J. (oral)

This petition for bail is first petition filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.11 dated 02.03.2025, for the commission of offence punishable under Sections 103 and 109 (Sections 61(2), 317(2), & 238 of BNS added later on) of Bharatiya Nyaya Sanhita, 2023, and Sections 25 & 27 of Arms Act, Police Station Qila Lal Singh, Police District Batal, District Gurdaspur.

2. The abovementioned FIR came into being at the instance of 'Parminder Kaur', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that she was residing with her husband, whereas her son Ajitpal Singh was residing separately. According to complainant, there was a dispute between them and Ajitpal Singh with



regard to demand of land. As per complainant, on 01.03.2025 when at about 09:00 pm, she along with her husband was going to her home on the motorcycle, on the way near tube-well of Major Singh, one unidentified person fired gunshot upon them. As per complainant, gunshot injuries were suffered by her as well as her husband. It was further stated by the complainant that due to abovementioned injuries, her husband Sohan Singh passed away.

3. It is the case of the prosecution that subsequent to abovementioned statement, a supplementary statement of the complainant was recorded on 04.03.2025, and in the abovementioned supplementary statement, the complainant stated that on account of trauma of injuries, she could not give complete details in her statement dated 01.03.2025. In the supplementary statement, the complainant stated that gunshots were fired by her son Ajitpal Singh. It was also stated by the complainant that their co-villagers Balbir Singh (petitioner herein) and Baljit Singh were having grudge against them, and that there was already a litigation pending between two families. It was also stated by the complainant that Balbir Singh (petitioner herein) and Baljit Singh had instigated their son Ajitpal Singh, and entered into a deep-rooted conspiracy and orchestrated the abovementioned crime.

4. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

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



6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is already in custody for a period of more than eleven months, and that contents of the FIR, vis-à-vis the supplementary statement, itself show that the petitioner was not present on the spot at the time of occurrence. It has also been contended by learned counsel for the petitioner that nothing has been recovered from the possession of petitioner, and that the trial is not likely to be concluded in near future, as out of thirty two prosecution witnesses, only one has been partly examined.

8. The learned State Counsel, being assisted by learned counsel or the complainant, has controverted the abovementioned arguments. It has been contended by learned counsel for the complainant that there are very specific and categorical allegations against the petitioner with regard to hatching of conspiracy and facilitating the main accused Ajitpal Singh in the commission of crime.

9. It has been pointed out by learned State Counsel that the motorcycle, which was used by the accused Ajitpal Singh was later on recovered pursuant to disclosure statement suffered by the petitioner.

10. The record has been perused carefully.

11. 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 petitioner is already in custody for a period of more than eleven months;



- ii) that except one case under Sections 323/325, the petitioner has no criminal record;
- iii) that the only allegation against the petitioner is with regard to hatching a conspiracy for the commission of crime;
- iv) that the petitioner was not present on the spot at the time of occurrence;
- v) that the recovery of alleged motorcycle cannot be directly connected with the commission of crime, as firstly the recovered motorcycle is not registered in the name of petitioner, and secondly, there is nothing on record to show that the same motorcycle was used by the co-accused Ajitpal Singh at the time of commission of crime;
- vi) that there are allegations with regard to call details between the accused Ajitpal Singh and the petitioner, but being the co-villager the abovementioned call details in themselves cannot be led to an inference that the petitioner was involved in the commission of crime;
- vii) that nothing has been left to be recovered from the possession of petitioner;
- viii) that the trial is not likely to be concluded in near future;
- ix) that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- 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; and
- xi) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

12. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India 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”.

13. 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”.

14. 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”.

15. 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.



16. 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.

17. 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 abovementioned 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

25.02.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No