



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

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**CRM-M-37823-2025 (O&M)
Decided on : 26.02.2026**

Pavittar Singh @Pittar Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mohd. Yousaf, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG Punjab.

SURYA PARTAP SINGH, J.

This petition for bail is first petition, filed by the petitioner under Section 439 of 'Criminal Procedure Code'. It has been filed with regard to a case arising out of FIR No.61 dated 02.04.2023, for the commission of offence punishable under Sections 302 and 34 of Indian Penal Code, Police Station Sadar Nabha, District Patiala.

2. The abovementioned FIR came into being at the instance of 'Sukhwinder Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 01.04.2023 at about 12:00 noon, he had gone to Nabha on his motorcycle bearing registration No.PB11-BP-6727. According to complainant, at about 08:30 pm he called his son, Kamalprince Singh, who informed him that he was sitting with his friends at Chitta Wala and would stay there with them. As per complainant, when his son did not return the next day and his mobile phone was not



reachable, he went out to search for him. According to complainant, at about 01:50 pm, when he reached Kot Kalan-Chitta Wala road, he noticed gathering on the bank of a drain. As per complainant, when he reached the spot, he found the dead body of his son, Kamalprince Singh, lying naked. It was further stated by the complainant that he also observed multiple injuries on the body of his son, which appeared to have been inflicted with a sharp-edged weapon. The complainant further stated that he had strong suspicion that his son, Kamalprince Singh, was killed by Avtar Singh, Sukhi, and Pavittar Singh (petitioner herein), along with some unidentified persons.

3. In this case, statement of Pargat Singh (Ex-Sarpanch) was also recorded by the Investigating officer. In the abovementioned statement, he stated that on 01.04.2023 at about 08:00-09:00 pm, he has visited liquor vend at Village Chhitawala, where Pavittar Singh, Kamalprince Singh (deceased), Sukhjit Singh @Sukhi and Avtar Singh, too, were consuming liquor. As per statement of Pargat Singh (Ex-Sarpanch), in the abovementioned liquor vend, a heated argument took place between them, and therefore, on the call of owner of liquor vend, they went outside the liquor vend, where Pavittar Singh picked-up a glass bottle and hit the same on the head of Kamalprince Singh, due to which Kamalprince Singh started bleeding. Pargat Singh (Ex-Sarpanch) further stated that thereafter Pavittar Singh, Sukhjit Singh @Sukhi and Avtar Singh took Kamalprince Singh towards Nabha on motorcycle for treatment, but later on he came to know that the dead body of Kamalprince Singh was found on the bank of drain.



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

5. Heard.

6. It has been contended by learned counsel for the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, the instant case has been falsely planted upon the petitioner and it is reflected from the fact that initial version of the FIR showed that the injury on the person of deceased was inflicted with the help of a glass bottle, but later on it was shown to have been inflicted by a knife.

7. In addition to above, the learned counsel for the petitioner has also contended that a false story has been cooked-up with regard to last seen theory, as the witness relied upon by the prosecution is the resident of the complainant's village and, therefore, he is an interested witness. According to learned counsel for the petitioner, his presence at the alleged place of occurrence appears to be highly unnatural and doubtful. As per learned counsel for the petitioner, the petitioner has already suffered prolonged incarceration, and that the trial is taking place at a very slow pace, as out of twenty two prosecution witnesses, only eight have been examined so far. While claiming that the fundamental right of speedy trial and personal liberty are being infringed, the learned counsel for the petitioner has urged for the benefit of bail for the petitioner. In support of his arguments, learned counsel for the petitioner has referred to the principles of law laid down by



the Hon'ble Supreme Court in the case of 'State of Kerala V/s Raneef' AIR 2011 SC 340 and by this Court in CRM-M-15144-2025 titled as 'Bhallu Ram V/s State of Haryana' and CRM-M-45052-2025, titled as 'Harwinder Singh @Bindri V/s State of Punjab'.

8. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, the present case is a full-proof case, wherein ample evidence with regard to involvement of petitioner in the commission of crime is available. As per learned State Counsel, in the instant case there are two individuals unconnected with the family of complainant, who had stated that the petitioner and his co-accused Avtar Singh and Sukhjit Singh @Sukhi were last seen with the deceased, just before the discovery of his dead body.

9. According to learned State Counsel, in addition to above, there is a disclosure statement of the petitioner pursuant to which the weapon of offence has been recovered and with the help of DNA profiling, it has been found that the blood available on the abovementioned knife belonged to the deceased. As per learned State Counsel, in view of abovementioned evidence, collected by the Investigating Agency, the present case is a water-tight case and the involvement of petitioner in the commission of crime is established irrespective of the fact that there is any eye-witness account or not.

10. The record has been perused carefully.



11. A careful perusal of record shows that in the present case, the total custody period of the petitioner is two years and ten months, and in view of gravity of offence allegedly committed by the petitioner coupled with other mitigating factors, the abovementioned period cannot be treated to be such a large period of incarceration, which may invite an inference that the fundamental right of speedy trial and personal liberty are being infringed. Thus, in view of the vast difference in the factual matrix of the present case, it is hereby held that the principles of law laid down by the Hon'ble Supreme Court in the case of Raneef (*supra*) and by this Court in the cases of Bhallu Ram (*supra*) and Harwinder Singh @Bindri (*supra*) are not applicable to the facts and circumstances of the present case.

12. It shall not be out of place to mention here that in the case of Harwinder Singh @Bindri (*supra*), the benefit of bail was accorded to the accused after a period of two years and five months when the material witnesses were already examined and they had not supported the prosecution case.

13. In the present case, in order to establish the involvement of petitioner in the commission of the crime, ample evidence has been collected by the Investigating Officer. If the abovementioned evidence is produced before the learned trial Court and satisfies the standard of proof prescribed under the law for establishing the charge, the evidence so adduced by the prosecution may result into the conviction of the petitioner.



14. In addition to above, it is also relevant to mention here that the petitioner does not have clean antecedents. In fact in addition to present case, he is also facing prosecution in two other cases.

15. Taking into consideration the cumulative effect of all the abovementioned factors, it is hereby held that the argument addressed by learned counsel for the petitioner does not hold merit. It cannot be said that the present case is the case of no evidence, or that only a procured/fabricated evidence has been collected by the Investigating Agency.

16. As a sequel to abovementioned observations, it is hereby held that the present petition is devoid of merit and deserves dismissal. The same is hereby *dismissed*, accordingly.

17. However, in view of the fact that the petitioner is already in custody for a period of more than two years and ten months, the learned trial Court is directed to endeavour for early disposal of the trial preferably within a period of six months from the date of receipt of copy of this order.

18. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

26.02.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No