

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:043079



111

CRM-M-41649-2025 (O&M)
Date of decision:18.03.2026

Gurcharan Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Saurabh Arora, legal aid counsel for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case arising out of FIR No.122, dated 13.07.2023, registered under Section 302 of IPC at Police Station Sadar Patti, District Tarn Taran.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Amarjit Kaur, alleging that the petitioner, who is cousin of her husband – Dilbagh Singh resided with his family in their neighbourhood. He used to steal goods from the house of his neighbours and sold them, due to which her husband used to stop him from doing so. The petitioner offended with her husband due to that reason. On the evening of 10.07.2023, her husband along with his brother Rajbir Singh and one Gurpreet Singh, was sitting outside his house and conversating with

them when the petitioner reached there while carrying a stand of knife fan (*farrata*). He started hitting the head of her husband with the said fan stand, thereby causing serious injuries to him. On clamour being raised, he fled from the spot. The victim had been immediately rushed to the hospital but succumbed to the injuries on 12.07.2023 during the course of treatment.

3. After registration of the FIR, investigation proceedings were initiated. Post mortem examination of the dead body of the victim was conducted. The petitioner was arrested on 13.07.2023. He suffered disclosure statement admitting his involvement in the crime. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 13.07.2023. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. His antecedents are clean. His prolonged incarceration militates against his fundamental right as guaranteed under Article 21 of the Constitution of India. It is, therefore, argued that the petition deserves to be allowed.

5. Per contra, learned State counsel has argued that the allegations against the petitioner are serious in nature. He has murdered the victim by striking several blows on his head with the stand of a *farrata* fan. The occurrence had been witnessed by several persons. The trial is going at a proper pace as 04 out of 19 prosecution witnesses have been examined. There is nothing on record to show that there is any undue delay in conclusion of the same. It is, therefore, stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner had caused homicidal death of his own cousin i.e. Victim – Dilbagh Singh by striking blows with a stand of *farrata* fan on 13.07.2023. As per the post mortem examination report, the cause of death was due to injuries on the brain, which are on the vital organ and sufficient to cause death in the ordinary course of nature. The aforementioned circumstance *prima facie* establishes his complicity in the crime. The allegations against the petitioner are quite serious in nature. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 of IPC. There exists a genuine apprehension that his release may imperil the course of trial and undermine the integrity of the trial and could pose a risk by influencing unexamined witnesses or tampering with evidence. It is well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the complainant is also to be weighed. Frivolity of prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail. It is also well settled proposition of law that mere prolonged period of custody is not sufficient

ground for enlarging an accused on bail, when the offence alleged is serious.

Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. In light of the foregoing legal principles, this Court finds no compelling ground to grant bail to the petitioner. Accordingly, the petition is dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

18.03.2026

harjeet

Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No

(MANISHA BATRA)
JUDGE