

2026:PHHC:013276



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

207

CRM-M-38897-2025
Date of Decision: 29.01.2026

HARJAP SINGH @ HARJAB SINGH

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

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

Present: Mr. J.S. Brar, Advocate
for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

Mr. Harpreet Kaur, Advocate
for the complainant.

H.S. GREWAL, J. (ORAL)

This petition has been filed under Section 483 Bharatiya Nagrik Suraksha Sanhita, 2023 seeking regular bail for the petitioner in case FIR No.108 dated 03.05.2020 under Sections 120-B, 148, 149, 302 and 450 of IPC read with Sections 25 and 27/54/59 of the Arms Act, 1959 (Sections 411 and 482 of IPC and Section 3 of the SC/ST Act added later on) registered at Police Station Sadar Kapurthala, District Kapurthala.

2. The case of the prosecution is that the petitioner alongwith his co-accused Bhupinder @ Shera and other accused committed the murder of Balkar Singh, the brother of complainant Tirath Singh. The petitioner gave *datar* blows on the head and other parts of the body of the deceased whereas Bhupinder @ Shera had fired a gunshot from his pistol on the chest of the deceased.

3. Learned counsel for the petitioner contends that the allegations against the petitioner are fabricated. Moreover, the fatal injury has not been attributed to the petitioner. He further submits that the petitioner is in custody for the last 04

years, 07 months and 28 days. It is further stated that out of 28 prosecution witnesses, only two have been examined till date and as such, the trial of the case will take a long time to conclude.

4. On the other hand, learned State Counsel as well as learned counsel for the complainant vehemently opposed the petition for grant of bail on the ground that there is an active role of the petitioner in the commission of the offence in question and there are serious allegations against him. Hence, they pray for dismissal of the present petition. Custody certificate filed by the State Counsel is taken on record. As per the said certificate, the petitioner is in custody for the last 04 years, 07 months and 28 days.

5. I have heard the learned counsel for the parties and perused the record.

6. Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner is in custody for the last 04 years, 07 months and 28 days and the trial will take a long time to conclude, this Court is of the opinion that the petitioner deserves the concession of regular bail. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of justice, therefore, he is entitled to regular bail during the pendency of the trial.

7. 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.

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

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

JANUARY 29, 2026.

Rajender

**(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No