



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-42968-2025

Date of decision: 15th January, 2026

Sukhdev Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Saneta, Advocate and
Mr. Nitin Kumar, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the third petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 199 dated 27.06.2023 registered under Sections 302, 201 and 34 of IPC at Police Station Dera Bassi, District SAS Nagar (Mohali). His previous two petitions had been dismissed as withdrawn vide orders dated 02.02.2024 and 28.10.2024 respectively.

2. The aforementioned FIR was registered on the basis of statement got recorded by the complainant Deepak Kumar alleging that his elder brother Sharanjeet Singh @ Vicky was running a mobile accessories shop. He had

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borrowed a sum of Rs. 20,000/- from the accused Punit Mahajan and used to pay interest to him. On account of delay in payment of interest sometime, the accused Punit Mahajan used to extend threats to him. He alleged that on 26.06.2023, Punit Mahajan called his brother at his apartment. The accused Amarjeet Singh @ Sanju Gujjar and Rinku Gujjar were already present there. His brother after reaching in the said apartment had called his mother asking for meal for Punit Mahajan as well as for others, and the accused Amarjeet Singh @ Sanju Gujjar had taken those meals from his house. His brother did not return. In the next morning, his dead body was found lying in the park near the apartment of accused Punit Mahajan. By alleging that the above named Punit Mahajan, Amarjeet Singh @ Sanju Gujjar and Rinku Gujjar had a hand in the murder of his brother, he prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. Post mortem examination of the dead body of the victim was conducted. The accused Punit Mahajan, Amarjeet Singh @ Sanju Gujjar were arrested on 28.06.2023. They suffered disclosure statements to the effect that the petitioner was also involved with them in throwing the dead body of the victim outside the flat of the Punit Mahajan and shifting the same elsewhere to cause disappearance of evidence of offence. The petitioner was nominated as such and was arrested on 12.08.2023. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been

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falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He has been in custody since long. The material witnesses including the complainant had not supported the prosecution version and have turned hostile. The co-accused Punit Mahajan and Amarjeet Singh @ Sanju Gujjar have been extended benefit of bail. The case of the petitioner is even at a better footing. On parity, he too deserves to be released on bail. Trial is likely to take time as only 06 out of 22 prosecutions witnesses have been examined so far. Continued detention of the petitioner will not serve any useful purpose. There is change in the circumstances after withdrawal of the previous petitions of petitioner, allowing the bail petitions of co-accused and examination of the material witnesses. Each day spent by him in custody has given rise to a fresh cause of action for seeking bail. The petitioner has undergone prolonged incarceration ever since the withdrawal of his previous petitions. Therefore, it is argued that the petition deserves to be allowed.

5. Status report as well as custody certificate has been filed by respondent-State. It is argued by learned State counsel that the allegations against the petitioner are serious in nature. The investigating agency had collected call detail record between the petitioner and the co-accused Punit Mahajan showing that they were in active contact with each other at the time of occurrence. There are chances of petitioner's absconding or committing similar offences if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

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6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner has been in custody since 12.08.2023. Learned counsel for the petitioner has placed on record Annexures P-9 to P-12- statements of the complainant and other material witnesses. A perusal of the same reveals that neither of them has supported the prosecution version and they have not implicated the present petitioner even the co-accused in commission of the offence of murder of the victim or causing disappearance of his dead body. Co-accused have already been extended benefit of bail. There is no possibility of conclusion of trial in near future as a substantial number of witnesses are yet to be examined. The petitioner is in custody for a period of two years, five months and three days. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. It is also well settled proposition of law that prolonged incarceration generally militates

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against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by detaining the petitioner in custody. It is also well settled preposition of law that the bail is the rule and jail is an exception and that pre-trial incarceration should not be a replica of post-conviction sentence. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, lest it prejudice the case of either of the parties, the petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

15th January, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |