

2026:PHHC:035781



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

117

CRM-M-44285-2025
Date of Decision: 09.03.2026

KANWALJIT SINGH

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

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

Present: Mr. Karan Bhardwaj, Mr. Pardeep Kumar and
Mr. Ishaan, Advocates for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

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.153 dated 27.06.2023 under Sections 302 and 120-B of the IPC (Section 201 of IPC added later on) and Sections 25 & 27/54/59 of the Arms Act registered at Police Station Jandiala, District Amritsar (Rural).

2. The case of the prosecution is that on 26.06.2023 the deceased Gursewak Singh was in the company of Kanwaljit Singh, Akashdeep Singh, Gurmehakdeep Singh, Ramanpreet Singh and Sandeep Singh had gone to Jandiala to consume liquor and they all in connivance with each other caused death of Gursewak Singh. The motive behind the murder is alleged to be that Kanwaljit Singh had borrowed a sum of Rs.50,000/- from Gursewak Singh, which he could not pay back.

3. Learned Counsel for the petitioner contends that the deceased Gursewak Singh was the real brother-in-law (*sala*) of the petitioner and that there is no direct evidence to prove that there was any conspiracy to kill Gursewak Singh on the part of the petitioner and other co-accused persons. Infact, some unknown persons had arrived on three motorcycles and fired gunshots at Gursewak Singh causing his death. Moreover, the complainant appeared before the trial Court as PW4 and stated in his deposition that he fully believes that the abovementioned unknown motorcyclists have killed Gursewak Singh. Further neither there is any recovery effected from the petitioner nor is there any other evidence which could show that the abovenamed accused persons had conspired to kill Gursewak Singh. He further submits that the petitioner is in custody for the last 02 years, 08 months and 07 days and out of total 18 witnesses of prosecution, only two have been examined till date as such, the trial of the case is being delayed and it will take a long time to conclude. He thus prays that the petitioner be granted the concession of regular bail.

4. Learned State Counsel vehemently opposes the petition for grant of bail on the ground that the allegations and role attributed to the petitioner in the commission of the alleged offence are very serious in nature. Hence, he prays 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 02 years, 08 months and 07 days.

5. I have heard 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 02 years, 08 months and 07 days and that the trial is moving at a very slow place and will take a

long time to conclude, this Court is of the opinion that the petition in hand deserves to be allowed. 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.

MARCH 09, 2026.
Rajender

(H.S. GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No