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

CRM-M-50276-2025

Date of Decision: 10.03.2026

Jagseer Singh @ Seera Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Viren Sibal, Legal Aid Counsel for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.131 dated 06.05.2021, registered under Sections 302, 452 and 34 IPC, at Police Station Sadar Mansa, District Mansa.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant Harpreet Singh @ Sukha. It was alleged that on 05.05.2021, he alongwith his family members went to sleep and his brother Amritpal Singh went to irrigate the fields. The door of their house was kept open for Amritpal Singh. At about 09:30 p.m., Jagsir Singh (petitioner) and Santu Singh armed with wooden pole entered in their house and started hitting his father on his head. On raising alarm, Jagsir Singh and Santu Singh ran away from the spot alongwith their wooden pole. The complainant chased them, however, he fell down. He saw that Lakha Singh and Sukhdev Singh were also accompanying them and they also ran away from there. The complainant took his father to hospital, however, he died on the way. It was alleged that motive behind the occurrence is that there was matrimonial dispute of sister of Jagsir Singh. Thus, request was made to take legal action against the accused person. On the registration of the FIR, the investigation commenced. The petitioner was arrested on



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07.05.2021. On completion of investigation, the challan was presented and the on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Mansa praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 02.08.2023. Earlier, the petitioner approached this Court by way of filing CRM-M-42494-2023, however, the same was dismissed as withdrawn, vide order dated 10.04.2024. Hence, the petitioner has again approached this Court praying for grant of bail by way of filing the present second petition.

3. It has been vehemently contended by learned legal aid counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has contended that the alleged motive against the petitioner is to the effect that deceased had sided with family of the in-laws of the sister of the petitioner as there was a property dispute. He contends that the allegations against the petitioner is that he gave wooden pole blow to the deceased. It is submitted that from the facts and circumstances, it is apparent that there was no premeditation with the petitioner in the alleged offence as he never came with any lethal weapon. It is further apparent from the facts and circumstances that once there was no intention, offence of culpable homicide amounting to murder, is also not made out. To buttress his arguments, he has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He contends that de hors the allegations made against the petitioner, he is behind the bars from the last more than 4½ years, but till date there is material progress in the trial. He submits that the



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prosecution is intentionally delaying the trial so as to prolong the incarceration of the petitioner. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by learned legal aid counsel for the petitioner. He has submitted that the case of the prosecution rests upon the eye-witness account. He submits that it is the petitioner, who gave the wooden pole blow on the head of the deceased, which resulted in his death. On instructions, he submits that out of total 17 prosecution witnesses, 02 witnesses have been partially examined. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case was arrested on 07.05.2021. Whether the offence alleged against the petitioner falls under the category of Section 302 IPC or not, is debatable and the same would lie in the domain of the trial Court on the appreciation of the evidence led by both the parties. The custody certificate would show that the petitioner has suffered incarceration of 04 years, 09 month & 27 days as on 09.03.2026. It further shows that the petitioner has no criminal antecedents. There is no gainsaying that every accused has the fundamental right of speedy trial.

6. The Hon'ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not



be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

7. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

10.03.2026
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No