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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-50659-2025 (O&M)

Amandeep Singh @ Jaman Singh ...Petitioner

Versus

State of Punjab ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	15.01.2026
2	The date when the judgment is pronounced	16.01.2026
3	The date when the judgment is uploaded on the website	16.01.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sukhdeep Singh Sidhu, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is stated to be the fourth petition filed by the petitioner for grant of regular bail to him in case arising out of FIR No. 132 dated 30.12.2017, registered under Sections 302, 458 and 34 of IPC and Sections 25 and 27 of the Arms Act, 1959 (Section 458 of IPC and Sections 25 and 27 of the Arms Act deleted and Sections 120-B, 182 and 211 of IPC added later on) at Police Station Sadar Rampura, District Bathinda. However, as per the record of this Court, it is in fact third petition for the said purpose.

2. The aforementioned FIR was registered on the basis of the

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statement recorded by complainant Sarabjit Kaur alleging therein that on the night of 29.12.2017, she along with her children was sleeping in her parental house as she had gone there during the holidays of her children. His brother Jaman Singh (present petitioner) had gone to Bathinda. Her mother Dalip Kaur and father Mahinder Singh were sleeping in the adjoining room. In the night, on hearing noise, she woke up and saw that Sukhdev Singh @ Leela while standing near the kitchen. She woke her mother up and then they asked accused Sukhdev Singh for the reason to come there. He made an exhortation thereby calling upon Hardeep Singh that Mahinder Singh, father of the complainant, should not be spared and be killed. The complainant and her mother went to the room of Mahinder Singh and saw that Gurdeep Singh and Hardeep Singh were standing there with their weapons. Then within the sight of the complainant, Hardeep Singh struck a gandas blow on her father, who was sleeping. On the clamour being raised by her mother, Hardeep Singh struck a blow with gandas on the face of the complainant and again assaulted her father. On raising alarm by them, Gurdeep Singh, Hardeep Singh and Sukhdev Singh @ Leela fled from the spot. Her father was taken to the hospital but succumbed to the injuries sustained by him.

3. After registration of the FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim was conducted. The persons named by the complainant were found to be innocent during investigation. The complainant moved a petition before this Court seeking directions against the police officers. Investigation was again conducted and on the basis of the same, the petitioner along with co-accused Gagandeep Singh @ Gagana, Gurpreet Singh Billa and Sarabjit Kaur (the

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original complainant of the FIR in question) were nominated as accused. Offence under Sections 182, 211 and 120-B were added, whereas offences under Section 458 of IPC and Sections 25 and 27 of the Arms Act were deleted. Accused Gurwinder Singh @ Billa was joined into investigation. Harjinder Singh, husband of above named Sarabjit Kaur, recorded a statement under Section 164 of Cr.P.C. on 30.12.2017 saying that the petitioner along with co-accused and Sarabjit Kaur and himself had hatched a conspiracy and had murdered the victim Mahinder Singh in order to implicate Gurdeep Singh etc., who were complainant in a case registered against them. The present petitioner was also in custody in some other case. His presence was secured by way of issuance of production warrants and he was formally arrested on 03.07.2019. On interrogation, he suffered disclosure statement admitting his involvement in the crime and got recovered weapon 'Khapra' used by him in the incident. 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 falsely implicated in this case by the police only with a view to help the actual assailants of his father. He has been involved in this case after eight months of registration of the FIR on the basis of the statement of Gurpreet Singh alleging that he had made an extra judicial confession before him, which is totally hearsay in nature. The actual assailants were wrongly declared innocent. The statement of Gurpreet Singh, which was a delayed version, could not be relied upon at all. The said Gurpreet Singh has now been examined as PW-4 and has not supported the prosecution version by saying that he had not made any statement to the police that the petitioner had suffered any extra judicial

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confession before him and has rather stated that he did not know the petitioner. Even, Harjinder Singh, while appearing as PW-3, has stated so. The sister of the petitioner, who is original complainant of the case, has filed a complaint with regard to the occurrence. The petitioner is in custody since 03.07.2019. The conclusion of trial would take considerable time as only 14 out of total 55 prosecution witnesses have been examined so far. No purpose would be served by keeping him in custody anymore. His previous petition had been dismissed as withdrawn on 01.08.2023. A period of more than two years and four months has passed since then, which furnishes a fresh ground to him to seek concession of bail. It is, therefore, stressed that the petition deserves to be allowed and the petitioner deserves to be released on bail.

5. Status report and the custody certificate of the petitioner have been filed by the respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner, who in connivance with his sister and other accused had committed murder of his own father only with an intent to implicate Gurdeep Singh etc. in a case and to exert pressure upon them. His complicity in the subject crime stood fully established by conducting thorough investigation in the matter. Even weapon of murder had been got recovered by him. The trial is going on at a proper pace. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The petitioner is alleged to have hatched a conspiracy with other co-accused including his sister Sarabjit Kaur, who was originally complainant of this case, and is further alleged to have murdered his own father on the night of 29.12.2017. The case of the prosecution rested upon the statements of PW-3

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Harjinder Singh and P-4 Gurpreet Singh. Copies of sworn depositions of these witnesses have been produced on record and perusal of the same shows that both of them have not implicated the petitioner in commission of the subject offences. There are bleak chances of the trial being completed in near future as only 14 out of total 55 prosecution witnesses have been examined so far. 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 rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. It is well settled proposition of law that prolonged incarceration generally militates 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. Recently, the Hon'ble Supreme Court in *Arvind Dham vs. Directorate of Enforcement, 2026 INSC 12*, while referring to its authorities cited as *Javed Gulam Nabi Shaikh vs. State of Maharashtra & another : (2024) 9 SCC 813* and *Manish Sisodia vs. Enforcement Directorate, (2024) 12 SCC 660*, has observed that if the State or any prosecuting agency including the Court, concerned has no wherewithal to

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provide or protect the fundamental right of an accused, to have a speedy trial as enshrined under Article 21 of the Constitution, then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious and Article 21 of the Constitution applies irrespective of the nature of the crime. 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 keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

16.01.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No