



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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CRM-M-51980-2025 (O&M)

Date of decision : 09.03.2026

Gurkirat Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J.

This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.9 dated 25.01.2024, for the commission of offence punishable under Sections 302 and 34 of Indian Penal Code, Police Station Kabarwala, District Sri Muktsar Sahib.

2. The abovementioned FIR came into being at the instance of 'Lovepreet Singh @Labhu', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he was unmarried and used to stay with his widowed mother, whereas his siblings were residing separately. According to complainant, on 24.01.2024 at about 07:30 pm, he left home for his village and returned home at about 10:00 pm. As per complainant, when he returned home, his mother was not present in the house and that on 25.01.2024, at about 11:00 am, he came to know that the



dead body of a lady was lying in a canal and when he went there, he found that the dead body was of his mother.

3. It is the case of the prosecution that on the basis of abovementioned information, formal FIR of this case was lodged against unknown persons and the investigation was taken up. As per prosecution during the course of investigation, it was found that the petitioner and other co-accused were involved in the commission of crime. With regard to role of petitioner, it is the stand of the prosecution that the deceased was killed by the petitioner and his co-accused by inflicting injuries on her person with a stone like object, i.e. three bricks joined together, and that the same has been recovered at the instance of petitioner.

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab accepts notice on behalf of respondent-State. Hence service of notice is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is innocent, who has been falsely implicated in the present case, and that he has clean antecedents. It has also been contended by learned counsel for the petitioner that the petitioner is already in custody for



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a period of more than one year and eleven months. According to learned counsel for the petitioner, the trial is not likely to be concluded in near future, as out of twenty one prosecution witnesses, only three have been examined, so far. The learned counsel for the petitioner has contended that in view of above, the petitioner is entitled for the benefit of bail.

8. The learned State Counsel has controverted the abovementioned. According to learned State Counsel, in the present case although the complainant has been examined, but the independent witness, namely Jagmeet Kaur, who is the witness of last seen event, is yet to be examined and therefore, till the examination of above-named witness, it shall not be appropriate to release the petitioner on bail, as the petitioner may influence the witnesses.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i) that the petitioner is already in custody for a period of more than one year and eleven months;
- ii) that the only motive attributed to the petitioner, as contained in the status report submitted by the State, was that co-accused Manfakir Singh @Mani was having objections with regard to visit of Yogi s/o Charan Singh to the house of deceased. However, no specific motive has been attributed to the petitioner;



- iii) that except the bricks, nothing has been recovered from the possession of petitioner;
- iv) that initially in the FIR name of any accused was not mentioned, and there is no eye-witness account of the incident. The case is based upon circumstantial evidence, i.e. the evidence with regard to last seen event;
- v) that the trial is taking place at a very slow pace as out of twenty one prosecution witnesses, only three have been examined so far;
- vi) that nothing has been left to be recovered from the possession of petitioner;
- vii) that the detention of the petitioner in judicial lockup is not likely to serve any purpose;
- viii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- ix) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in trial.

11. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and



does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

12. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial.



On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

13. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

14. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

15. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a



conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

16. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority;
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

09.03.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No