



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

CRM-M No.51851 of 2025 (O&M)

Reserved on: 06.02.2026

Pronounced on: 11.02.2026

Hawalati Harpreet Singh @ Happy

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Avtar Singh Khinda, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, hereinafter being referred to as 'BNSS' only, moved by the petitioner, who is in custody since 11.06.2021. The petitioner is facing trial for the commission of offence punishable under Sections 302, 323, 324, 148 and 149 of Indian Penal Code, hereinafter being referred to as 'IPC', and Section 52 of the Prison Act, 1894. The about trial pertains to FIR No.196 dated 06.06.2021, Police Station Islamabad, District Amritsar. The petitioner is craving for bail.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being when 'Bhagwant Singh', Assistant Sub Inspector Central Jail, Fatehpur, Amritsar sent a communication to the police post Fatehpur, Police Station Islamabad, Amritsar. By virtue of above mentioned



letter it was informed that 'Avtar Singh @ Tari' 'Sultan Singh', 'Gurjant Singh', 'Harpreet Singh', 'Lakhwinder Singh', 'Sajandeep Singh' and 'Lovepreet Singh' were lodged in Central Jail Amritsar, and that on 06.06.2021 role call of 'Avtar Singh', 'Sultan Singh', 'Gurjant Singh' and 'Harpreet Singh' was in Room No.1 of barrack No.5. It was further informed that the above named four prisoners along with unknown persons while going to room No.6 of barrack No.5, on account of old rivalry, attacked the under trial prisoners namely 'Lakhwinder Singh @ Lakha', 'Sajandeep Singh' and 'Lovepreet' with iron sheets & cutter and that in the above mentioned attack 'Lakhwinder', 'Sajandeep' and 'Lovepreet' had suffered serious injuries. As per abovementioned information Assistant Superintendent 'Bahadar Singh' and Warder 'Harjinder Singh' had intervened and stopped the conflict.

3. It is the case of the prosecution that in view of above mentioned information initially the FIR was lodged for the commission of offence punishable under Sections 307, 323, 148, 149 of IPC and Section 52 of Prison Act and the investigation was taken up. As per prosecution during the course of investigation when injured 'Lakhwinder Singh' passed away the case was converted into a case for the commission of offence punishable under Sections 302 IPC.

4. Heard.

5. It has been contended by learned counsel for the petitioner that petitioner has been falsely implicated in the present case, and that he has already suffered prolonged incarceration for being in custody for a period of



more than 4 years, 7 months and 24 days. It has also been contended by learned counsel for the petitioner that the entire prosecution case is resting upon the testimony of injured, and eye-witness of the occurrence, namely 'Sajandeep Singh', who has already been examined as PW-9. According to learned counsel for the petitioner the above named witnesses with regard to involvement of petitioner in the commission of crime has not supported the prosecution case at all.

6. In addition to above, the learned counsel for the petitioner has also contended that trial in the present case is taking place at a very slow pace as out of 28 only 8 witnesses have been examined so far, and one has been given up. In view of above, the learned counsel for the petitioner has contended that 2/3rd of the witnesses mentioned in the list are yet to be examined, which shows that the trial is not likely to be concluded in near future. While praying for bail, the learned counsel for the petitioner has contended that in the present case the right of personal life & liberty, and also of speedy trial is being violated due to slow progress in trial. While relying upon the principle of law laid down by the Hon'ble Supreme Court of India in the case of 'Md. Tajiur Rahaman @ Tajiur Rahaman Vs. The State of West Bengal', Special Leave to Appeal (Crl.) No. 12225 of 2024, 'Sajedabanu Munnabhai Shekh @ Saraswati Manoj Rajubhai Rajput Vs. State of Gujarat', Special Leave to Appeal (Crl.) No. 10026 of 2025, 'Samimbanu @ Sammo Vs. State of Gujarat', Special Leave to Appeal (Crl.) No. 5513 of 2025 and 'Bhadresh Kumar Patel Vs. Union of India', Special Leave to Appeal (Crl.)



No. 2622 of 2025, the learned counsel for the petitioner is craving for bail for the petitioner.

7. The learned State counsel has controverted the above mentioned arguments. It has been argued by the learned State counsel that in the present case the allegations against the petitioner are very specific, categorical qua the fact that he had actively participated in the commission of crime wherein one jail inmate lost his life. As per learned State counsel the gravity of offence committed by the petitioner can be ascertained from the fact that a person staying behind the bar under direct supervision of various jail officials, has found himself to be unsafe and lost his life. As per learned State counsel the seriousness of the actions of the petitioner can also be gazed from the fact that one of the jail inmate, who was injured and eye-witness of occurrence has not even dared to depose against the petitioner in the Court, and therefore, he has been declared hostile. As per learned State counsel if the benefit of bail is given to the petitioner the other witnesses, too, will adopt the same course due to fear of the petitioner, and therefore, the instant case is one of the rarest cases wherein despite delay in trial the petitioner is not entitled for the benefit of bail.

8. The record has been perused carefully.

9. With regard to the facts and circumstances of the present case, it is relevant to mention here that allegations in the present case against the petitioner are that they committed the offence of murder inside the jail premises, and for that purpose they had prepared the weapon inside the jail



itself. The above mentioned action of the petitioner speaks in volume the bent of mind the petitioner are having. Once the co-jail inmate residing in another barrack is not safe and can be the victim of annoyance of the petitioner, what would be the situation of a common man, if the petitioner are released on bail wherein they can roam freely. In the given fact-situation, in my opinion the gravity of offence committed by the petitioner is of highest possible standard.

10. In addition to above, it is also relevant to mentioned here that the conduct of petitioner can also be ascertained from the fact that one of the eye-witness, who himself was a victim of assault & suffered injuries, has already been influenced by the petitioner during the course of trial and that is why he has not supported the prosecution case. Obviously the person, who was eye-witness of the occurrence was jail inmate and even he could not muster courage to depose against the petitioner in the Court. The above mentioned circumstances shows that if the petitioner is released on bail there is every likelihood that petitioner will influence the witnesses.

11. While analysing all the above discussed facts, and taking into consideration the facts and circumstances of this case, in my opinion, the petitioner is not entitled for a considerate view.

12. In view of above mentioned observation it is hereby held that the petitioner is not entitled for the benefit of bail and the present petition deserve dismissal. Hence, the same is hereby **dismissed** accordingly.

13. However, keeping in view the fact that the petitioner is already in



custody for a long period the learned trial Court is requested to endeavour to decide the above mentioned trial within a period of 6 months.

(SURYA PARTAP SINGH)
JUDGE

11.02.2026
Manoj Bhutani

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