



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

117

CRM-M No.53075 of 2025 (O&M)

Date of Decision: 24.02.2026

**Pritam Singh and another**

.....Petitioners

**Versus**

**State of Punjab**

..... Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

**Present:** Mr. Arshdeep Singh Brar, Advocate for the petitioners.

Mr. Eklavya Darshi, DAG, Punjab.

Mr. Shivam Verma, Advocate for  
Mr. L.S.Sidhu, Advocate for the complainant.

**SURYA PARTAP SINGH, J. (Oral):**

This petition, under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023', is first petition, filed by the petitioners for grant of bail. The above mentioned petition pertains to a case arising out of FIR No.118 dated 30.05.2025, under Sections 103, 3(5) and 351(2) of Bharatiya Nyaya Sanhita, 2023, Police Station Dharamkot, District Moga.

2. Briefly stating the facts emerging from record are that the FIR of this came into being at the instance of 'Kiranpal Singh', hereinafter being referred to as 'complainant', only. It was stated by the above named complainant that on 30.05.2025 at about 7-7.15 A.M. he and his family came to know that 'Balwinder Singh' was plowing their land. As per complainant they immediately rushed to the spot and found that 'Pritam Singh' and 'Jaswinder Singh' were standing near the tractor of 'Balwinder Singh' and when the complainant and his family members reached the spot 'Pritam Singh'



and 'Jaswinder Singh' (petitioners herein) exhorted to teach them a lesson. It was further stated by the complainant that on their instigation 'Balwinder Singh' drove the tractor towards 'Manjit Kaur' who survived the impact of abovesaid collision. According to complainant thereafter 'Balwinder Singh' hit Chiman Singh, the father of complainant and ran over the wheel of the tractor over his body. It is the claim of the petitioners that due to above mentioned injury his father passed away.

3. It is the case of the prosecution that in view of above mentioned statement, formal FIR of this case was lodged, and the investigation taken up.

4. The learned State Counsel have filed custody certificates of the petitioners. The same be taken on record.

5. Heard.

6. It has been contended on behalf of petitioners that the petitioners are already in custody for a period of almost 9 months and that nothing has been left to be recovered from the possession of petitioners. It has also been claimed by learned counsel for the petitioners that the petitioners have clean antecedents.

7. The learned State counsel being assisted by learned counsel for the complainant has controverted the above mentioned arguments. According to learned State counsel in the present case basic allegations against the practitioners are that they were the instigator for the commission of crime. According to learned counsel for the complainant if the petitioners would not have instigated 'Balwinder Singh' there would not have been no possibility of murder of Chiman Singh. While claiming that the custody period is not adequate to draw an inference that there is delay in trial the learned counsel for the complainant has sought for dismissal of present petition.



8. The record has been perused carefully.
9. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for the purpose of decision in the present petition:-
  - i) that the petitioners are in custody for a period of almost 09 months;
  - ii) that the only role attributed to the petitioner in the commission of crime is that they exhorted to teach a lesson to the deceased, and thus, instigated the prime accused Balwinder Singh to kill Chmian Singh;
  - iii) that there was no pre-planning of the incident as the petitioners and their brother Balwinder were working in the fields and the petitioners and his family members reached there. The above mentioned inference can also be drawn from the fact that no weapon was used by the accused;
  - iv) that the petitioners have clean antecedents;
  - v) that nothing has been left to be recovered from the possession of petitioners;
  - vi) that the trial is not likely to be concluded in near future;
  - vii) that detention of petitioners in judicial lock-up is not likely to serve any purpose;
  - viii) that there is nothing on record to show that if released on bail, the petitioners may tamper with the evidence or influence the



witnesses;

- ix) that there is nothing on record to show that if released on bail, the petitioners will not co-operate/participate in the trial.

10. 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) 3 SCC 22, 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".



11. The principles laid down by the Hon'ble the Supreme Court of India in the case of 'Satender Kumar Antil v. Central Bureau of Investigation' (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".

12. 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".

13. 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 an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

14. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioners are entitled for the concession of bail, and that the present petition deserves to be allowed.

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

- i) that the petitioners 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 them from disclosing such facts to the Court or to any other authority;
- ii) that the petitioners 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 petitioners shall not leave India without prior permission of trial Court.

(SURYA PARTAP SINGH)  
JUDGE

24.02.2026  
Manoj Bhutani

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