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2026:PHHC:010628



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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Happy Singh
.....Petitioner
Versus
State of Punjab
.....Respondent

Date of Decision: January 27, 2026
Date of Uploading: January 27, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL
Present:- Mr. Gopal Singh Nahel, Advocate for the petitioner.
Mr. Adhiraj Singh Thind, AAG Punjab.
Mr. K.D.S. Sidhu, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of regular bail to
the petitioner in case bearing FIR No.34 dated 17.07.2023, registered for the
offences punishable under Sections 302, 323, 324, 148, 149 of the Indian Penal
Code, 1860 (for short ‘IPC’) (Sections 307, 427, 120-B of the IPC added later
on), at Police Station Dharamgarh, District Sangrur.

2. The gravamen of the allegations against the petitioner is that the
The complainant, Balvir Kaur, wife of Rajwinder Singh @ Raju, son of
Sukhdev Singh, resident of Maidebas, made a statement before the police on
16.07.2023 stating that she was married to Rajwinder Singh about 11 years ago,
and out of their wedlock, a male child namely Tanvir Singh, aged about 9
years, was born. She stated that her husband Rajwinder Singh was the elder

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brother, while Kala Singh was his younger brother, and both were agriculturists.

On 16.07.2023, in connection with some household work, her husband and brother-in-law had gone in their car bearing registration number PB-08-AK-4281. At about 5:30 p.m., when they returned and reached near their house, the complainant came out to open the gate on hearing the horn of the car. At that time, her husband Rajwinder Singh was driving the car and his brother Kala Singh was sitting on the front passenger seat. Suddenly, their neighbours, namely Gurtej Singh son of Jaggar Singh, armed with a *kirpan* (sword); Kulwinder Singh @ Sunny son of Gurtej Singh, armed with a *kirch*; Gurwinder Singh son of Gurtej Singh, armed with a *kirpan*; Happy (*petitioner herein*), armed with a *kirpan*; Bantu, armed with a *kirch*; along with 5–6 other unknown persons, all armed with sharp-edged weapons, attacked her husband and brother-in-law while they were still seated in the car. The assailants forcibly pulled both of them out of the vehicle and, with the intention to kill them, inflicted multiple blows with sharp-edged weapons on Rajwinder Singh @ Raju **and** Kala Singh. Both victims, profusely bleeding, fell to the ground.

Upon raising alarm and seeing people gathering at the spot, the assailants fled away along with their respective weapons. The complainant, with the help of the persons present there, arranged a vehicle and shifted her husband and brother-in-law to Civil Hospital, Sunam. However, her husband Rajwinder Singh @ Raju succumbed to his injuries on the way, and his dead body was kept in the mortuary at Sunam. Due to the serious injuries suffered by Kala Singh, he was referred to Rajindra Hospital, Patiala. She further stated that the motive behind the occurrence was a prior dispute. Earlier, a fight had taken place between her family and the family of Gurtej Singh, and on the night of 15.07.2023, a quarrel had again occurred between her husband, her brother-

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in-law, and Gurtej Singh and others. Due to this existing enmity, the accused persons murdered her husband and caused serious injuries to Kala Singh with the intention to kill him.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 18.07.2023. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the petitioner is in custody for more than 02½ years and prime private prosecution witnesses, namely, Kala Singh and Balvir Kaur stand examined. Learned counsel has further iterated that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 24.01.2026, in the Court today, which is taken on record.

4.1. Learned counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner by arguing that there are direct/ clear allegations against the petitioner. Learned counsel has further argued that it is the clear case of the prosecution that the petitioner has caused injury to the deceased and hence, he ought not be extended concession of regular bail. He further argued that, in case, the petitioner is extended the concession of regular bail, there is all likelihood that he may flee from the process of justice and also interference with the prosecution evidence. Thus, dismissal of the present petition is entreated for.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

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6. The petitioner was arrested on 18.07.2023 whereinafter investigation was carried out and challan has been presented on 12.10.2023. Out of total 23 cited prosecution witnesses, 04 have been examined till date.

At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to 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. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

It is not in dispute that private witness, namely, PW-Kala Singh (injured) and PW-Balvir Kaur (FIR-complainant) already stand examined. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

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6.1. As per custody certificate dated 24.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 years, 06 months and 02 days, & is not shown to be involved in the other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the factual milieu of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

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11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 27, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No