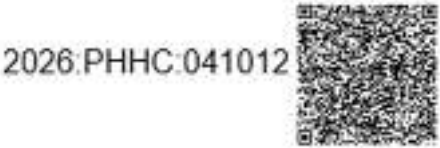


IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH



CRM-M-54131-2025 (O&M)

Bhola Singh

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	11.03.2026
2	The date when the judgment is pronounced	18.03.2026
3	The date when the judgment is uploaded on the website	18.03.2026
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. Bikramjit Singh Jatana, Advocate for the petitioner.

 Mr. Roshandeep Singh, AAG, Punjab.

 Mr. J.K. Singla, Advocate and
 Ms. Suman Rani, Advocate for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner seeking grant of regular bail in case bearing FIR No. 144 dated 11.08.2022 registered under Sections 302, 450, 323, 148, 149 and 506 of IPC at Police Station Bhikhi, District Mansa.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant Jarnail Kaur alleging that on 11.08.2022, at about 8:00 PM, her son Shanty Singh went to a shop of village to purchase a cold drink and when he reached near the house of present petitioner, the latter along with co-accused Rura Singh, Tari Singh, Balwinder Singh, Harman Singh and Ram Singh and some unknown persons, was found standing in the street. Tari Singh intentionally struck with her son and upon asking the reason, all the above named persons started beating him. He ran and entered inside his house. Then all of the above named persons also forcibly entered in the house of the complainant. Harman Singh and Ram Singh caught hold of Shanty Singh from his hair, Balwinder Singh caught hold of his arms and accused Tari Singh struck two blows with a knife on the right side of his chest. Son-in-law of the complainant- Gursewak Singh and nephew-Dilpreet Singh tried to save him but assailants attacked upon them also. They also hurled abuses to the complainant and her family members. On clamour being raised by the complainant, the assailants fled from the spot with their respective weapons. The injured were rushed to the hospital, where son of the complainant was declared to be brought dead. After registration of FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim was got conducted. On 11.08.2022, accused Rura Singh, Jagtar Singh @ Tari and Avtar Singh @ Laddi were arrested, whereas the petitioner along with the other co-accused was arrested on 12.08.2022. On interrogation, they suffered disclosure statements admitting their involvement in the crime. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is an old aged person and suffering from anal Fistula. The petitioner was not even present at the spot of occurrence. Even otherwise, the injuries attributed sustained by the deceased have not been attributed to him. As per the medico-legal report, only one injury on the person of the victim-Dilpreet Singh has been attributed to him, which was declared simple in nature. Trial is likely to take considerable time to conclude as only seven out of total twenty five prosecution witnesses have been examined so far. The petitioner has been in custody for the last 03 years, 06 months and 22 days. His further incarceration would not serve any useful purpose. He has clean antecedents. involvement in another case cannot be considered to be a reason for denying benefit of bail to him. Co-accused Harman Singh has been extended benefit of bail by this Court. On parity, he too deserves to be extended the same benefit. It is, therefore, urged that he deserves to be released on bail.

4. Status report and the custody certificate of the petitioner have been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Weapon used by the petitioner in commission of crime was recovered from his house. Trial may be expedited. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, injuries were caused to the victims which proved

fatal to victim Shanty Singh. From the allegations as set out in the FIR, the fatal injury attributed to the deceased has been specifically assigned to co-accused Tari Singh, whereas the role attributed to the present petitioner is limited in nature. As per the medico-legal record, the only injury attributed to the petitioner was on the person of injured Dilpreet Singh, which was simple in nature. In view thereof, the degree of culpability of the petitioner stands on a footing distinguishable from that of the principal assailant. It is also not disputed that a co-accused, namely Harman Singh, has already been granted the concession of bail by this Court. No distinguishing circumstance has been pointed out by the State to deny the benefit of parity to the present petitioner. A perusal of the record also reveals that the trial is substantially delay as only seven out of total twenty-five prosecution witnesses have been examined so far. The petitioner has been in custody for the past 03 years, 06 months and 22 days. 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. 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.

7. As per the discussion made above, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other

subsequent case and if it appears that it is on account of any act and conduct of the petitioner that further delay is being caused in the conclusion of the trial and further subject to his abiding by the following conditions:-

- (i) The petitioner will not tamper with evidence during trial.
- (ii) he will appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.
- (iii) 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 from disclosing such facts to the Court or to any police officer.
- (iv) any infraction shall entail in withdrawal of the benefit granted by this court.

8. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

9. 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.

18.03.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No