

In the High Court of Punjab and Haryana, at Chandigarh**Criminal Misc. No. M-53252 of 2025****Date of Decision: 25.02.2026**

Tarsem Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Preetinder Singh Ahluwalia, Senior Advocate
with Mr. Deepinder Singh Virk, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. 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. 177 dated 29.08.2021 for the commission of offence punishable under Section(s) 307, 506, and 34 [Section(s) 323 and 302 added and Section(s) 34 deleted] of 'the Indian Penal Code, 1860' and Section(s) 27 and 30 of 'the Arms Act, 1959' [Section 25 deleted later on] Police Station Dirba, District Sangrur, Punjab.

2. The FIR of this case came into being at the instance of 'Major Singh', hereinafter being referred to as "complainant" only. The complainant had stated that with regard to a residential plot, ad measuring 4 biswas, there was a dispute between him and 'Tarsem Singh' (petitioner herein).

A.M.the co-accused, namely 'Gurmeet Kaur' and 'Mohinder Kaur' arrived at the spot followed by 'Tarsem Singh' and 'Jagdev Singh'. It was further alleged by the compliant that 'Tarsem Singh' was carrying a .32 bore revolver, 'Mohinder Kaur' an 'iron datri' (sharp-edged weapon) and Gurmeet Kaur a brick. As per complainant, the petitioner called 'Jagpal Singh', father of the complainant, to come out of his house, on the pretext of discussing the dispute regarding the plot. According to complainant when 'Jagpal Singh' came out in the street 'Jagdev Singh caught hold of 'Jagpal Singh' and exhorted to kill him. It was further stated by the complainant that on the call of 'Jagpal Singh', 'Tarsem Singh' picked up his revolver and fired three gun-shots on 'Jagpal Singh'; which proved to be fatal for him.

3. Heard.

4. It has been contended by learned counsel for the petitioner that the petitioner is entitled for bail solely on the ground that he is facing long incarceration for a period of almost 4½ years, and that the trial is progressing at a snail's pace as out of twenty eight prosecution witnesses only two have been examined so far. It has also been contended by learned counsel for the petitioner that the right of speedy trial viz-a-viz fundamental right of life and personal liberty of the petitioner have been violated due to delay in trial.

5. It has also been contended by learned counsel for the petitioner that the prosecution being conducted by the learned trial Court would show that despite repeated efforts, the witnesses are not turning up before the trial Court. On the above-mentioned grounds, the learned counsel for the petitioner has urged for the benefit of bail for the petitioner. In support of his arguments the learned counsel for the petitioner has referred to the

principles of law laid down in the following cases:-

1. 'Javed Gulam Nabi Shaikh v. State of Maharashtra and Another' 2024(3) RCR (Criminal) 494
2. 'Sheikh Javed Iqbal alias Ahfaq Ansari alias Javed Ansari v. State of Uttar Pradesh 2024(3) RCR(Criminal) 609
3. 'Krishan Ram v. State of Punjab' 2024 NCPHHC 9006
4. 'Suraj v. State of Haryana' 2025 NCPHHC 3199
5. 'Krishan Kumar alias Talu v. State of Haryana' 2025 NCPHHC 80928
6. 'Ashok alias Pardhan v. State of Haryana' 2025 NCPHHC 84590
7. 'Brij Pal alias Birju v. State of Haryana 2025 NCPHHC 106502
8. 'Pardeep alias Turi alias Tuli v. State of Haryana and Another 2025 NCPHHC 171293
9. 'Hitesh alias Hitesh Tanwar v. State of Haryana' 2025 NCPHHC 136732

6. *Per contra*, the learned State counsel has controverted the above-mentioned arguments. According to learned State counsel, in the present case there are very specific and categorical allegations against the petitioner qua the fact that he was responsible for firing gun-shots upon the deceased, and that it was the act of petitioner only, which was responsible for the death of victim. While claiming that in view of pivotal role played by the petitioner in the commission of crime it has been contended by learned State counsel that he is not entitled for the benefit of bail.

7. The record has been perused carefully.

8. A careful perusal of record shows that in the present case,

Following are the relevant factors which are necessary to be taken into

consideration for a decision:-

- i) that the petitioner has already suffered long incarceration for being in custody for a period of four years, five months & 22 days;
- ii) that the trial is taking place at a very slow pace as out of twenty eight prosecution witnesses only two have been examined so far;
- iii) that the copies of daily orders placed on record by the learned counsel for the petitioner show that the witnesses are not turning up before the learned trial Court despite the fact that different kind of processes are being issued by the learned trial Court;
- iv) that with regard to delay in trial, the Hon'ble Supreme Court of India in the case of 'Javed Gulam Nabi Shaikh' (supra) has observed that if the State or any prosecuting agency, including the court, has no wherewithal to provide or protect fundamental right of speedy trial then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious.
- v) In the case of 'Sheikh Javed Iqbal alias Ashfaq Ansari alias Javed Ansari' (supra), it has been held by the Hon'ble Supreme Court of India that "it is trite law that an accused is entitled to a speedy trial. This Court in a catena of judgments has held that an accused or an

undertrial has a fundamental right to speedy trial which is traceable to Article 21 of the Constitution of India. If the alleged offence is a serious one, it is all the more necessary for the prosecution to ensure that the trial is concluded expeditiously. When a trial gets prolonged, it is not open to the prosecution to oppose bail of the accused-undertrial on the ground that the charges are very serious. Bail cannot be denied only on the ground that the charges are very serious though there is no end in sight for the trial to conclude. This Bench in a recent decision dated 03.07.2024 in Javed Gulam Nabi Shaikh v. State of Maharashtra, Criminal Appeal No. 2787 of 2024, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.”

In the case of ‘Union of India v. K.A. Najeeb’ (2021) 3 SCC 713, the Hon’ble Supreme Court of India has observed that liberty guaranteed to a person by Part-III of the Constitution of India would cover within its protective ambit not only due procedure or fairness but also access to justice and speedy trial. According to the Hon’ble Supreme Court of India any under-trial cannot be detained indefinitely, pending trial and if it obvious that a timely trial would not be possible the accused, who had suffered incarceration for a significant period of

time, should be enlarged on bail.

This court also, while dealing with the case of 'Suraj' (supra) accorded the benefit of bail to an accused being tried for the commission of offence punishable under Section 302 IPC, when his custody period was four years & five months. Similar relief was given in the case of 'Krishan Kumar alias Talu' (supra) on the same ground;

In the case of 'Ashok alias Pardhan' (supra) this court has observed that right of speedy trial could not be denied to an accused irrespective of gravity of offence;

- v) that nothing has been left to be recovered from the possession of the petitioner;
- vi) that further detention of petitioner in judicial lock-up is not likely to produce a fruitful result;
- vii) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- viii) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

9. If the facts and circumstances of the present case are tested on the touch stone prescribed in the above-mentioned cases, it transpires that the petitioner who has no criminal antecedents and is facing incarceration for a period of almost four years & five months, is entitled for the benefit of

bail, particularly when the trial is taking place at a very slow pace wherein out of 28, only two prosecution witnesses have been examined so far. Hence, it is hereby observed that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

10. 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 above said concession shall be subject to following conditions:-

- a) 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;
- b) 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 conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

(Surya Partap Singh)
Judge

February 25, 2026
“DK”

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