



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

113

CRM-M-56218-2025  
Date of decision: 26.02.2026

HARDEEP KUMAR @ LADDU

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

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

Present: Mr. Mayur Karkra, Advocate  
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

Mr. Tarun Kumar Sharma, Advocate  
for the complainant.

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**SURYA PARTAP SINGH, J.**

1. This petition for bail, which is first petition filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023', has been filed with regard to a case arising out of FIR No.178 dated 04.12.2022. The above-mentioned FIR has been filed for the commission of offence punishable under Sections 302, 147, 149, 506 [Sections 323 added later on and Section 147 and 149 deleted] of Indian Penal Code, 1860, Police Station Anaj Mandi, District Patiala.

2. The above-mentioned FIR came into being at the instance of



Kulwinder Singh, hereinafter being referred to as complainant only. It was stated by the above-named complainant that his elder brother Davinder Singh @ Binder was having a transport vehicle make Mahindra pickup, and that on 03.12.2022 his brother Davinder Singh did not return home. According to complainant in view of above, he(complainant) alongwith his cousin Amandeep visited Patiala to search his brother, and that at about 12:30 A.M. near Sainik Welfare Office, he noticed a gathering of 8-9 persons, who were assaulting his brother Davinder Singh. According to complainant out of them a young man hit the left flank of his brother with a sharp edged object and his brother fell down on the road. It was alleged by the complainant that he screamed for help, and thereafter, the assailants fled from the spot. It was further alleged by the complainant that thereafter he shifted his brother to Rajindra Hospital, Patiala where he was declared dead.

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

4. According to prosecution on 06.12.2022 a supplementary statement of above-named complainant was recorded, who stated before the police that on that day he alongwith his cousin Ashok Kumar was trying to find out the details of the persons, who were responsible for the death of his brother. According to complainant, when they were sitting at a tea stall he over-heard a conversation of two persons sitting on an adjoining bench. As per complainant one of them told the other that in the intervening night of 3/4 December, 2022, he had consumed liquor with the deceased, and thereafter, they went to liquor vend near Railway Station, where 8-9 persons were consuming liquor. The above-said persons further revealed that an altercation



had taken place with the above-said 8-9 persons, and therefore, he attacked them with the help of an ice picker but Davinder Singh intervened to save them and suffered injury. It is the case of the prosecution that on the basis of above-mentioned confessional statement, the petitioner was implicated in the present case, who was identified by the complainant as Gurmeet Kumar.

5. In the present case one of the significant fact to be taken into consideration is that at the instance of complainant himself two versions have been projected by Investigating Agency. The first version is that the deceased, who had failed to return home till late night was being searched by the complainant alongwith his cousin and in his presence 8-9 persons attacked the deceased and inflicted injuries on his person. In the above-mentioned statement neither there is any description of assailants nor of the weapon of offence. The above-mentioned statements is also silent with regard to the nature of injuries.

6. With regard to above-mentioned statement at the threshold it is pertinent to mention here that the above-mentioned story in itself is very unnatural and improbable story, as the complainant is a resident of a village near Patiala and he went to search his brother in the township of Patiala and all of a sudden he reached the place of occurrence.

7. The above-mentioned story has been twisted by the Investigating Agency after two days, wherein an unnatural extra-judicial confessional has been projected. It has been claimed that in the presence of complainant himself, the petitioner made a confessional statement, wherein he admitted his involvement in the commission of offence. This extra-judicial confession was allegedly made by the petitioner and in his statement dated 06.02.2022, it was



specifically mentioned that the complainant had met the petitioner at the workplace of his brother once or twice. Another twist in the subsequent story of the prosecution is that in earlier version there were 8-9 assailants, but in subsequent version the entire blame has been attributed to the petitioner.

8. One more factor to be taken into consideration in the present case is that as per prosecution case the ice picker, which was used for the commission of offence was recovered pursuant to disclosure statement of the petitioner, but no traces of human blood were found on the above-mentioned ice picker.

9. Heard.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for a decision: -

- i) that the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than 03 years and 02 months;
- ii) that the trial is taking place at a very slow pace as out of thirty three prosecution witnesses, not even a single has been examined so far;
- iii) that the investigation in this case is already complete and nothing has been left to be recovered from the possession of petitioner;
- iv) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- v) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- vi) that there is nothing on record to show that if released on bail, the



petitioner will not co-operate/participate in the trial.

12. 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".

13. The principles laid down by the Hon'ble the Supreme Court of India in the case of 'Satender Kumar Antil Vs. Central Bureau of Investigation and Another' (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”.

14. 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”.

15. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Manmandal and Another v. State of West Bengal’, Special Leave Petition (Criminal) No.8656 of 2023 decided on 14.09.2023 and ‘Rabi Prakash v. State of Odisha’, 2023 SCC Online SC 1109, extended the benefit of bail to the accused, who had been incarcerated for a period of almost 2-3



years and the trial was likely to take considerable time. The above-mentioned benefit has been given by observing that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article-21 of the Constitution

16. 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 the accused as mandated by Hon'ble Apex court in "Balwinder Singh versus State of Punjab and Another", 2024 SCC Online SC 4354.

17. If the cumulative effect of all the above-mentioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

18. 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:-

- (i) 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.
- (ii) 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 final decision of the trial; and



(iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)  
JUDGE

26.02.2026  
*vipin*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |