



**107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-55341-2025

Date of decision : 08.05.2026

Paramjeet Singh

....Petitioner

versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Santpal Singh Sidhu, Senior Advocate with
Mr. Deepdaman Singh Mann, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

Mr. Sarabjit Singh Cheema, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.110 dated 25.08.2023, under Sections 308, 323, 34 of IPC, 1860 (Section 302 IPC has been added later on), registered at Police Station Vairo Ke, District Fazilka.

2. Succinctly, facts of the present case are that the FIR has been lodged on the statement of complainant, namely, Dilbag Singh. It was alleged that on 23.08.2023 on account of their turn of water, he alongwith his brother Jugraj Singh had gone to his fields adjoining the fields of Gurmukh Singh. They reached at the spot at 10:50 PM where Paramjit Singh (present petitioner) son of Gurmukh Singh was already present while carrying spade. They requested Paramjit Singh that they are about to divert the water course to irrigate their fields as it was their time but, Paramjit Singh did not allow them to do so by saying that the time of turn



of water has been changed. In the meantime, Harcharan Singh brother of Paramjit Singh and their father Gurmukh Singh also came at the spot. Harcharan Singh was armed with kirpan whereas, Gurmukh Singh was holding a stick. Immediately after coming there, Gurmukh Singh raised *lalkara* not to spare the complainant and his brother Jugraj Singh and on hearing the same, Harcharan Singh gave a kirpan blow on the person of complainant which hit on his head, another blow was given from the reverse side which hit above his right eye brow. Paramjit Singh gave a spade blow from its reverse side on the person of Jugraj Singh which caused two injuries on his head. Gurmukh Singh also gave danda blows on complainant which hit on the back side of right ear under the right eye and right ring finger of complainant. Gurmukh Singh was proclaiming in loud voice to kill the complainant and his brother Jugraj Singh. Due to seriousness of injuries in his head, Jugraj Singh fell in paddy crop and all the three accused fled away from the spot along with their respective weapons in their car. Then complainant called his cousin Angrej Singh at the spot, disclosed him about the occurrence, who alongwith Kuljit Singh son of Sukhdev Singh came at the spot and took Jugraj Singh to Civil Hospital, Jalalabad for medical treatment in a car from where, he was further referred to Shri Guru Gobind Singh Medical College & Hospital, Faridkot. Hence, request was made to take legal action against the accused. Thus, the FIR was registered. On registration of FIR, investigation commenced. Petitioner was arrested on 16.09.2023. On completion of investigation, challan was presented and on framing of charges, the trial commenced. Petitioner approached the learned Additional Sessions Judge, Fazilka, for grant of bail, however, after



hearing both the sides, the said relief was declined vide order dated 06.02.2024. Being aggrieved, petitioner earlier approached this Court by way of filing CRM-M-14385-2024, however, the same was dismissed as withdrawn vide order dated 24.04.2024. Hence, petitioner is before this Court by way of filing the present second petition for grant of regular bail.

3. It has been contended by learned Senior counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that admittedly, the case in hand, is version and cross-version. He has contended that the occurrence has taken place on 23.08.2023 in the fields and the dispute arose on the turn of irrigating the land. He has submitted that the petitioner has been alleged to have given reverse side spade blows on the head of the deceased-Jugraj Singh. He has submitted that the occurrence has taken place on 23.08.2023 and after admission, he was discharged from hospital on 04.09.2023. Thereafter, on account of some complication, he was again admitted on 07.09.2023 but he unfortunately expired on 19.09.2023. He has contended that it is evident that Jugraj Singh died after about 26 days of the occurrence which shows that the petitioner has no intention to commit the murder. Thus, it is no case of culpable homicide amounting to murder. He thus, vehemently contended that the offence under Section 302 IPC, in itself, is not even made out against the petitioner. He has submitted that the petitioner himself suffered the injuries as it is a cross-case. He has submitted that it is the complainant's side who was the aggressor. He has contended that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that the petitioner is behind the bars from last more than 2½ years and thus, the fundamental right of the



petitioner is miserably defeated in the present case. He thus, contends that in the facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner. He has contended that the petitioner opened an attack on the complainant's side and they are the aggressor. He has submitted that at the behest of the petitioner, offence against the complainant is under Section 326 IPC, whereas, from of the complainant, namely, Jugraj Singh died due to the injuries caused by the petitioner with spade on the head of Jugraj Singh, which is a vital part thus, the intention to commit the murder is at writ large. He thus, has contended that examination-in-chief of the complainant has been conducted and cross-examination is going on. He thus, submits that no case for the grant of the petitioner is made out.

5. Learned State counsel has equally opposed the submissions made by learned counsel for the petitioner on the similar lines. He has submitted that out of 28 prosecution witnesses, 05 witnesses have been examined. He has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that evidently, the case of the prosecution is of version and cross-version. Petitioner's side is facing the prosecution for the offence under Section 302 IPC whereas, at their behest, the complainant side is facing prosecution in the cross-case for the offence under Section 326 IPC. The occurrence has taken place on 23.08.2023, whereas, the deceased-Jugraj Singh died on 19.09.2023 in the hospital. Petitioner was



arrested on 16.09.2023. Custody certificate filed by the State shows that the petitioner has undergone incarceration of 02 years, 07 months and 20 days as on 07.05.2026. It further reflects that the petitioner is not involved in any other case. Once it is a case of version and cross-version, it is the matter of trial to decide as to which party was aggressor. Needless to say that every accused has the fundamental right of speedy trial.

7. The Hon'ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

8. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. 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.

9. This Court would refrain itself from commenting anything on the merits of the case. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail.



Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.05.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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