



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

CRM-M-59787-2025 (O&M)

Dhalwinder Singh @ Ramma ...Petitioner

Versus

State of Punjab ...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	23.02.2026
2	The date when the judgment is pronounced	25.02.2026
3	The date when the judgment is uploaded on the website	25.02.2026
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. Amardeep Singh, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the fourth petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 246 dated 14.09.2020, registered under Sections 302, 201 and 34 of IPC at Police Station City Tarn Taran, District Tarn Taran. His first and second petitions were dismissed as withdrawn, whereas the third petition was dismissed by this Court on 20.03.2025.

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2. As per the allegations, on 13.09.2020, victim Vishal, who was son of the complainant Joginder Singh, had left his house to bring meals from a *Dhaba*, informing his family that he would return shortly to have supper with them. However, he did not return home that night. The complainant and other family members searched for him and on the following morning, his dead body was found lying in a vacant plot behind the local grain market, bearing multiple injury marks. Suspecting the involvement of the present petitioner along with two other persons, namely Ramu and Hari Singh, with whom the deceased had earlier had an altercation, the complainant lodged a complaint, on the basis of which the present FIR was registered and investigation commenced. During investigation, on 18.09.2020, one Sham Singh Rana made a statement before the police alleging that on 16.09.2020, the petitioner along with co-accused Sandeep Singh and Hari Singh had approached him, whereupon Hari Singh made an extra-judicial confession to the effect that on the intervening night of 13/14.09.2020, the deceased had allegedly entered his house, harassed his daughter and upon her raising alarm, he and co-accused Sandeep Singh assaulted the deceased. It was further alleged that petitioner Dhalwinder Singh joined the assailants, while Amrit Pal Singh recorded a video of the incident on his mobile phone. The statement of Amrit Pal Singh was recorded under Section 164 Cr.P.C., wherein he turned approver. The petitioner was arrested on 20.09.2020 and, during interrogation, allegedly made disclosure statements admitting their involvement in the murder and the subsequent disposal of the dead body, leading to the addition of offence under Section 201 IPC. After completion of necessary investigation and usual formalities, challan was

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presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the confessional statement allegedly made by co-accused Hari Singh before above named Sham Singh Rana. The said Sham Singh had appeared as PW-5 before the learned trial Court and had turned hostile. He had resiled from making any such statement before the police and that co-accused Hari Singh had made any confessional statement before him. He had categorically stated that it was wrong to suggest that on the intervening night of 13/14.09.2020, the petitioner and co-accused had caused death of victim Vishal by giving beatings to him. Moreso, aforesaid Amrit Pal Singh, who had allegedly recorded the video of the incident and subsequently turned approver, while appearing as PW-7 before the learned trial Court has turned hostile and has categorically stated that it was wrong to suggest that at the time of making said video clip, the petitioner and co-accused Sandeep Singh and Hari Singh were giving beatings to victim Vishal Singh. It is further argued that in the given circumstances, the chances of his conviction are very bleak. Conclusion of trial is likely to take a long time as only 07 out of total 25 prosecution witnesses have been examined so far. The petitioner has been custody since 20.09.2020. He has clean antecedents. His continued detention would not serve any useful purpose. It is, therefore, argued that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Status report has been filed. Learned State counsel has argued that

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there are serious allegations against the petitioner, who along with the co-accused had committed murder of victim Vishal Singh by inflicting injuries to him. The investigation revealed that the petitioner was armed with a dang and had inflicted injuries on the person of the victim. Though, he is not seen in the video recorded by Amrit Pal Singh but his voice can clearly be heard in the same. The complainant has supported the prosecution version. The trial may be expedited. There are chances of the petitioner's absconding or intimidating the witnesses, if released on bail. It is also argued that there is no new or substantive change in the circumstances on the basis of which the petitioner deserves to be extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has considered the rival submissions.

6. A perusal of the prosecution case would reveal that the same substantially rests upon the alleged extra-judicial confession made by co-accused Hari Singh before Sham Singh Rana and the statement of Amrit Pal Singh, who was projected as an approver. However, both these material witnesses, while appearing before the learned trial Court as PW-5 and PW-7 respectively, have not supported the prosecution version and have resiled from their earlier statements. Sham Singh Rana has categorically denied that any extra-judicial confession was made before him, whereas Amrit Pal Singh has specifically denied that the petitioner or the co-accused were assaulting the deceased at the time of recording of the alleged video. At this stage, therefore, the prosecution evidence against the petitioner stands considerably weakened. Though learned State counsel has contended that the petitioner was armed with

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a dang and that his voice is allegedly audible in the video recording, however, a perusal of the deposition of PW-7 Amrit Pal Singh further reveals that he had denied to identify the voices of the person audible in the said video. Even otherwise, the said aspect would be a matter of appreciation of evidence during trial and cannot, by itself, justify further prolonged incarceration, particularly when the principal witnesses have already turned hostile. Though the complainant has supported the prosecution version but admittedly, he was not an eye-witness to the occurrence. The petitioner is stated to be a person with clean antecedents. There is no material on record to indicate that he is likely to abscond or intimidate the witnesses, if released on bail. The petitioner has been in judicial custody since 20.09.2020 and has thus remained incarcerated for more than four years. The trial is still at an initial stage, inasmuch as only 07 out of 25 prosecution witnesses have been examined till date and there is no likelihood of the trial concluding in the near future. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. It is well

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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. Therefore, keeping in view the period of custody already undergone by the petitioner, the slow pace of trial and the nature of evidence presently available on record, this Court is of the considered view that continued detention of the petitioner would not serve any useful purpose. Accordingly, 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

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granted by this court.

7. 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.

8. 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.

25.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No