



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

136

CRM-M-59334-2025
Date of decision: 13.03.2026

KULWINDER SINGH ALIAS JOHNYPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Rajeev Sharma, Advocate
for the petitioner.

Dr. (Ms.) Savi Nagpal, Asst. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant **second petition** has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in case bearing FIR No. 73 dated 30.04.2024, registered under Section(s) 307, 148 and 149 of the Indian Penal Code, 1860 and Section 25/27/54/59 of the Arms Act, 1959 at Police Station GRP, Ludhiana, after the first petition was withdrawn on 02.07.2025.

2. Succinctly stated, the facts leading to the registration of the present FIR registered on the statement of complainant Gurpreet Singh son of Nirvair Singh, resident of Abdullahpur Basti, District Ludhiana, who stated that he was engaged in the work of an electrician at his shop situated at

Abdullahpur Basti. According to the complainant, on 29.04.2024 at about 7:30 p.m., he along with his friend Sukhpreet Singh son of Roop Lal, resident of Village Khwajke, District Ludhiana, was standing near his house when Jony Shergil, Goldy Shergil, Hira, Kali Diesel, along with 4–5 other unidentified persons, arrived at the spot in a Honda City car bearing registration No. PB-10-9400, while some of them were also riding 2–3 motorcycles. It is alleged that the said persons stopped near the railway crossing, whereupon Jony Shergil and his brother Goldy Shergil began abusing the complainant and his companion. When the complainant objected to the same, Jony Shergil took out a pistol from his waist and fired at them with an intention to kill. One of the shots was stated to have struck the complainant on his left wrist, while another hit him in the stomach. The complainant further alleged that when his friend Sukhpreet Singh attempted to intervene and save him, Jony Shergil fired another shot, which struck Sukhpreet Singh on the left side of his lower abdomen. It is further alleged that Goldy Shergil, Hira, Kali Diesel and the other accompanying persons began pelting stones at the complainant and his friend. Upon the complainant raising hue and cry, people from the locality gathered at the spot, following which the accused persons fled from the place of occurrence. The complainant attributed the motive behind the occurrence to a prior dispute, alleging that the accused persons had earlier objected to the complainant's friends visiting his house, whereas the complainant and his friends continued to meet. It was further stated that thereafter arrangements were made to shift the injured Sukhpreet Singh to the hospital, where first aid was administered, and they were subsequently referred to a higher medical centre. At the time of making

the statement, the complainant stated that they were undergoing treatment at DMC Hospital, Ludhiana, and requested that legal action be taken against Jony Shergil and the other accused persons for causing injuries.

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been in custody since 24.07.2024 and has already undergone actual custody of more than 1 year and 7 months. It is further contended that although the prosecution has cited as many as 28 witnesses, none of them has been examined so far. Learned counsel submits that for nearly one year, the complainant has repeatedly sought adjournments, resulting in no meaningful progress in the trial, and consequently the conclusion of the trial is likely to take considerable time. It is further argued that the other co-accused have already been granted the concession of regular bail. However, the said benefit was not extended to the present petitioner on the ground that the principal injury has been attributed to him. Learned counsel, therefore, submits that having regard to the prolonged period of custody already undergone by the petitioner and the present stage of the trial, the petitioner deserves to be enlarged on bail.

4. Status report by way of affidavit of Tej Pal Singh, PPS, DSP, Zonal GRP, Ludhiana already stands filed on behalf of respondent-State and the same is taken on record.

5. Learned State Counsel, however, contends that the petitioner is the one who had fired three shots, one of which hit the complainant while the other hit the injured witness. Accordingly, it is contended that the role attributed to the petitioner is distinguishable from that of the other co-accused, and the principal injury has been specifically attributed to him. However,

learned State counsel is unable to furnish any satisfactory explanation as to why the prosecution evidence has not been led thus far, despite the charges having been framed in January, 2025 and more than 1 year having elapsed thereafter.

6. Having heard the learned counsel appearing on behalf of the respective parties and upon perusing the material placed on record, it is evident that the trial has made little to no progress. Despite the lapse of considerable time since the framing of charges, the prosecution has not examined any witness and the proceedings appear to be moving at a very slow pace. Such delay in the conduct of trial, for reasons not attributable to the petitioner, should not operate to his prejudice. It is well settled that the right to a speedy trial forms an integral part of the guarantee of life and personal liberty under Article 21 of the Constitution of India. Prolonged incarceration of an accused, without meaningful progress in the trial, would amount to an unjustified curtailment of personal liberty, particularly when the trial is likely to take a considerable period of time to conclude.

7. Thus, taking into consideration the period of actual custody already undergone by the petitioner, the stage of the trial and the lack of progress in recording prosecution evidence, I deem it appropriate to enlarge the petitioner on regular bail to the satisfaction of the trial Court.

8. The instant petition is accordingly allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.
10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

MARCH 13, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No