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

CRM-M No.60433 of 2025

Date of Decision: 30.03.2026

Nirvail Singh @ Bau

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Akhil Saini, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.262, dated 23.10.2020, under Sections 302, 307, 447, 511, 148, 149 of IPC and Sections 25, 27 of Arms Act, registered at Police Station Sarhali, District Tarn Taran.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Jasdeep Singh. It was alleged that in the year 2001, land of complainant's family was partitioned and according to that, the complainant got the land adjacent to village Sheron. It was alleged that uncle of the complainant, namely, Sukhwant Singh Pappu got the land in Sheron. It was alleged that the complainant was cultivating the land for past 20 years after the partition. It was alleged that due to the construction of national highway, value of the



land was increased and due to joint account of the land, Sukhwant Singh started fighting with the complainant with intention to occupy his land. It was alleged that on 22.10.2020, in the evening, brothers-in-law of complainant, namely, Jaswinder Singh and Angrej Singh came to the complainant and invited him for the wedding of Angrej Singh's children. On 23.10.2020, the complainant and his brother-in-law went for a walk and when they coming back at around 6.00/6.30 A.M., they saw that Karan Singh armed with pistol, Sukhwant Singh Pappu armed with 12 bore gun, Ranbir Singh Rana armed with 315 bore rifle were standing on his land. Sukhwant Singh's son-in-law, namely, Prahlad Singh was also present on tractor, which was being driven by helper (siri) of Sukhwant Singh, namely, Bhau, i.e. the petitioner. When the complainant and Angrej Singh asked them not to do so, then, Sukhwant Singh and Ranbir Singh raised lalkara to catch hold of complainant and be taught a lesson for claiming him to be the owner of land. Karan Singh and Ranbir Singh with the intention to kill them directly fired from their guns. A gun shot fire allegedly hit Angrej Singh, who fell down on the ground. The complainant ran towards his house for taking his 12 bore licenced gun and then, fired for his own protection. 8-10 other unknown persons also fired at them with their weapons. Brother-in-law of complainant, namely, Jaswinder Singh climbed onto the roof of the house and raised alarm. On raising alarm, people gathered and all the accused fled away from the spot along with their respective weapons and the tractor. The injured, Angrej Singh got admitted in Guru Nanak Dev Super Speciality Hospital, Tarn Taran for treatment from where he referred to Guru Ramdas Hospital, Amritsar,



where the doctors declared him dead. Thus, the request was made to take the legal action against the culprits. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. The petitioner was arrested on 31.10.2022. The petitioner approached the Court of learned Additional Sessions Judge, Tarn Taran praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Tarn Taran declined the bail application filed by the petitioner vide order dated 20.05.2024. Hence being aggrieved, the petitioner is before this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that the alleged occurrence has taken place on 23.10.2020. He has submitted that the petitioner was alleged to be the part of unlawful assembly. He has submitted that the petitioner is siri (farm labour) of co-accused, namely, Sukhwant Singh. He has submitted that the allegations of firing on the deceased, namely, Angrej Singh, is against the co-accused, namely, Sukhwant Singh. He has submitted that the petitioner has been alleged to be the driver of the tractor. He has submitted that when the petitioner was working as *Siri* (farm labour) for co-accused, namely, Sukhwant Singh, therefore, the allegations of driving the tractor of Sukhwant Singh in itself do not constitute any offence against the petitioner. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner is behind bars from last more than 03 year and he has no criminal antecedents as he has never been involved in any other



case. He has submitted that there is no material progress in the trial and thus, his right of speedy trial has been miserably defeated. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Short reply dated 31.01.2026 by way of an affidavit of Jagbir Singh, PPS, Deputy Superintendent of Police, P.B.I., Economic Offences & Special Crime, Tarn Taran, District Tarn Taran having additional charges of sub-division Patti, District Tarn Taran on behalf of the respondent-State has already been filed by the learned State counsel in the Court, which is taken on record.

5. *Per contra*, learned State counsel has also vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner along with the co-accused has formed the unlawful assembly. He has submitted that the petitioner was the driver of the tractor on which the co-accused had arrived at the place of occurrence and the deceased was fired upon by his employer, i.e. Sukhwant Singh. He, on instructions, has submitted that out of total 21 prosecution witnesses, only 01 witness has been examined so far.

6. Heard.

7. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged occurrence has taken place on 23.10.2020. The petitioner was allegedly driving the tractor. The petitioner was not attributed any overt act. The precise allegations against the petitioner is regarding forming the unlawful assembly with the co-accused. The fatal fire arm injury suffered by the deceased, namely, Angrej Singh, has been



attributed to co-accused, namely, Sukhwant Singh. The petitioner was behind bars since the date of his arrest, i.e. 31.10.2022. Out of total 21 prosecution witnesses, only 01 witness has been examined so far. As contended before this Court by learned counsel for the petitioner, the petitioner is not involved in any other case. Needless to say that every accused has the fundamental right of speedy trial.

8. 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.”

9. 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.

10. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the



sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

11. 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. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

12. Nothing said herein shall be treated as an expression of opinion on the merits of the cases.

30.03.2026
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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No