



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-60549 of 2025
Date of Decision: 29.01.2026

Kulwinder Singh @ Kulvinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. K.S. Sidhu, Sr. Advocate with
Mr. Pragbir Singh Dhindsa, Advocate for the petitioner.
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 483 of the BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.09 dated 25.01.2021 registered under Sections 365, 370, 417, 120-B of IPC and Section 13 of Punjab Travel Professionals' Regulation Act (Section 302 IPC added later on), at Police Station Sadar, District Jalandhar.

2. Brief facts as per the case of the prosecution are that the petitioner in connivance with other co-accused firstly cheated the complainant for ₹ 20 Lakhs on the pretext of sending his son abroad on work permit. Later, his son went missing and his dead body was found. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argues that the petitioner was neither named in the FIR nor has any concern with the said offence. He further

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argues that the name of the petitioner has been roped in only because he is brother-in-law of co-accused Gurdhian Singh. He submits that only allegation against him is that he harbored co-accused Gurdhian Singh. He further submits that there is not even an iota of evidence against the petitioner. He further submits that similarly placed co-accused Bhupinder Pal has been granted bail by the Hon'ble Supreme Court. He submits that the petitioner has clean antecedents and nothing is to be recovered from him. He further submits that the petitioner has been in custody since 31.03.2021. Investigation in the present case is complete, challan has been filed, charges have been framed and out of 22 prosecution witnesses only 5 have been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has already filed the status report in the matter and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature as he was involved in the heinous crime of abduction and murder of son of complainant and he was in constant touch with co-accused Gurdhian Singh telephonically. However, he could not controvert the fact that the petitioner has clean antecedents and he is not involved in any other case.

5. Heard.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it transpires that no injury has been attributed to the petitioner and rather the only allegation against him is that he harbored co-accused Gurdhian Singh. It is not disputed that the petitioner is in custody for the last more than 04 years and 9 months; similarly placed co-accused has



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been granted bail by the Hon'ble Supreme Court; investigation in the case is complete; challan stands presented; charges framed; out of 22 witnesses, only 05 have been examined till date; the trial is proceeding at snail's pace and the trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

8. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- ***Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.***

9. Reliance is also placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her

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right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

10. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

29.01.2026*Puneet....***(RUPINDERJIT CHAHAL)
JUDGE**

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