

In the High Court of Punjab and Haryana, at Chandigarh**Criminal Misc. No. M-60807 of 2025****Date of Decision: 06.02.2026**

Satnam Singh alias Sattu alias Gauri

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.Present: Mr. Ranbir Singh Sekhon, Advocate
for the petitioner(s).Mr. J.S.Thind, Deputy Advocate General,
Punjab, for the respondent.**Surya Partap Singh, J.**

1. This third petition for bail has been filed with regard to a case arising out of FIR No. 127 dated 14.07.2020, Police Station Sadar Ferozepur, District Ferozepur, Punjab for the commission of offence punishable under Sections 307, 324, 302 and 34 of the Indian Penal Code, 1860, hereinafter being referred to as “IPC” only.

2. Briefly stating the facts emerging from the record are that the above mentioned FIR came into being at the instance of ‘Nehru’, hereinafter being referred to as “complainant” only. It was stated by the complainant that on 13.07.2020 at about 08.30 P.M. in front of the gate of his house he was chatting with his brothers, namely ‘Sonu’ and ‘Prem’. As per complainant there ‘Satnam Singh’ (petitioner herein), ‘Sheeli’ armed with kappa (sharp-edged weapon), ‘Paramjit Singh alias Pamma’ armed with

Takua (sharp-edged weapon) and 'Veena' arrived. According to complainant, 'Veena' exhorted to catch hold of 'Sonu' for stopped them from cutting fodder for their cattles and then they all launched an attack upon 'Sonu' with the help of their respective weapons and in the above mentioned incident an injury on the head of 'Sonu' was inflicted by the petitioner with the help of kappa (sharp-edged weapon). It was further stated by the complainant the he along with his brother tried to rescue 'Sonu' but they, too, came under attack. As per complainant thereafter when neighbours started gathering on the spot, the assailants fled from the spot. The complainant further stated that he got both of his brothers 'Sonu' and 'Prem' admitted in hospital but his brother 'Prem' succumbed to his injuries.

3. It is the case of prosecution that in view of above mentioned information, formal FIR of this case was lodged and the investigation taken up.

4. Heard.

5. The record has been perused carefully.

6. If the facts and circumstances of the present case are analyzed in the light of relevant laws it transpires that following factors deserve to be taken into consideration:-

- i) that the petitioner is already in custody for a period of more than 5½ years;
- ii) that the petitioner has no criminal antecedents prior to present case;
- iii) that although this is third petition for bail but the second petition was a petition for interim bail and the first

petition was dismissed as withdrawn more than two years ago;

- iv) that the trial is taking place at a snail's pace as out of 24, only seven prosecution witnesses have been examined so far;
- v) that the injury which proved to be fatal for deceased 'Prem' has not been attributed to the petitioner'
- vi) that nothing is left to be recovered from the possession of petitioner;
- vii) that detention of the petitioner in judicial lock-up is not likely to produce;
- viii) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- ix) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in trial.

7. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of Dataram v. State of Uttar Pradesh and Another(2018) 3 Supreme Court Cases 22, has observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important

facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.”

8. The principles laid down by the Hon’ble the Supreme Court of India in the case of *Satender Kumar Antil v. Central Bureau of Investigation* (2022) 10 Supreme Court Cases 51, are also relevant in this case. In the above mentioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice.”

9. Recently, in the case of Tapas Kumar Palit v. State of Chhattisgarh, 2025 SCC Online SC 322 the Hon'ble Supreme Court of India has observed that "if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed." It has also been observed by the Hon'ble Supreme Court of India in the above mentioned case that "delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently."

10. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in Balwinder Singh versus State of Punjab and Another 2024 SCC Online SC 4354.

11. If the cumulative effect of all the above mentioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

12. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the

satisfaction of learned trial Court. However, the above said concession shall be subject to following conditions:-

- a) that 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 to disclose such facts to the Court or to any other authority;
- b) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

13. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

February 06, 2026

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No