

In the High Court of Punjab and Haryana, at Chandigarh**Criminal Misc. No. M-64526 of 2025****Date of Decision: 04.02.2026**

Harjinder Singh alias Jinder alias Rajinder Singh Dhaliwal

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.Present: Mr. A.S.Barnala, Advocate
for the petitioner(s).Mr. I.P.S.Sabharwal, Deputy Advocate General,
Punjab.**Surya Partap Singh, J.**

1. This is first petition for bail filed by the petitioner with regard to case pertaining to FIR No. 144 dated 29.10.2024 lodged in Police Station Barnala, District Barnala, Punjab for the commission of offence punishable under Sections 103, 191(3), 190, 351(3) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as “BNS” only.

2. The above mentioned FIR came into being at the instance of ‘Gurcharan Singh alias Bhola Fauji’, hereinafter being referred to as “complainant” only. It was stated by him that he is Ex-serviceman and that his son, namely ‘Jaismeen Singh alias Jassu’ had visited grain market on 28.10.2024 where an altercation followed by scuffle had taken place with ‘Ramanjit Singh alias Ramna’ and others, but the co-villagers present in the grain market intervened and separated the two groups. According to

complainant, thereafter, his son left grain market but when he went there again, a group comprising of 'Ramanjit Singh alias Ramna', 'Lovepreet Singh alias Labhu' (on motorcycles), 'Gurpreet Singh', 'Mandeep Singh' and three unknown persons came there on Scorpio car, 'Mehakpreet Singh alias Mehki', 'Harmandeep Singh alias Hammu', 'Ekampreet Singh', 'Sukhwinder Singh alias Sukha' on a Swift Desire car and two/three unknown persons on a Zen car. As per complainant they were armed with sticks and dangs (wooden handles) and they were supported by 'Jivan Singh', 'Harjinder Singh alias Jinder' (petitioner herein), 'Satpal Singh alias Satta' and 'Balwinder Singh alias Nila'. As per complainant, 'Ramandeep Singh alias Ramna' exhorted to teach a lesson to 'Jasmine Singh alias Jassu' and thereafter they launched an attack upon 'Jasmine Singh', inflicted injuries on his person which proved to be fatal.

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. It has been contended by learned counsel for the petitioner that the petitioner is innocent and he has been falsely implicated in the present case. As per learned counsel for the petitioner no specific injury has been attributed to the petitioner in the present case. According to learned counsel for the petitioner, the petitioner has clean antecedents, and that the eye-witnesses of the occurrence projected by the prosecution, i.e. PW.2 and PW.3, have not supported the prosecution case with regard to involvement of petitioner in the commission of crime. According to learned counsel for the

petitioner, in addition to above, one more private witness, i.e. PW.4, who was allegedly present at the nearby spot, too, has not supported the prosecution case with regard to involvement of petitioner in the commission of crime. In addition to above, the learned counsel for the petitioner has also contended that the only witness, who had supported the prosecution case, is the father of deceased, but as per contents of the FIR, he was not present on the spot at the time of occurrence. According to learned counsel for the petitioner, in view of above mentioned facts and circumstance, once the involvement of petitioner in the present case has been denied by the eye witnesses, the petitioner, who has already faced prolonged incarceration, is entitled for the benefit of bail.

6. The learned State counsel has controverted the above mentioned arguments. According to learned State counsel, the allegations against the petitioner are very specific with regard to involvement of petitioner in commission of offence of murder. As per learned State counsel, the complainant has duly supported the prosecution case, but being co-villager, the accused have managed to win over the eye witnesses of the occurrence. As per learned State counsel, custody period of the petitioner cannot be treated to be large and if released on bail, he may tamper with the evidence.

7. The record has been perused carefully.

8. Taking into consideration the above mentioned facts and circumstances of the present case, following factors deserve to be taken into consideration:-

i) that the petitioner is already in custody for a period of

almost more than one year & three months;

- ii) that the eye witnesses of the occurrence have not supported the prosecution case with regard to involvement of the petitioner in the commission of crime;
- iii) that no specific role has been attributed to the petitioner in the FIR itself;
- iv) that the petitioner has clean antecedents;
- v) that nothing is left to be recovered from the possession of petitioner;
- vii) that the trial is not likely to be concluded in near future;
- vii) that detention of petitioner in the judicial lock-up is not likely to serve any purpose;
- 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.

9. 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.”

10. 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.”

11. 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."

12. 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.

13. 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.

14. 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.

15. 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 04, 2026
“DK”

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