



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

357

CRM-M-65728 of 2025

Date of Decision: 29.01.2026

Gobind Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. S.S. Dhillon, Advocate for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.68 dated 08.09.2024 registered under Section 103, 140, 61, 190, 191(3) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Raman, District Bathinda.

2. Brief facts as per the prosecution case are that the petitioner alongwith other co-accused abducted and caused fatal assault to Harduar Singh (Brother of complainant), which resulted into his death. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further submits that the perusal of the FIR shows that no specific role has been attributed to the present petitioner, but only general allegations have been leveled against him. He further submits that there is no evidence on record to connect the petitioner

with the crime and the entire prosecution version is based on circumstantial



evidence. He further submits that the complainant-Soma kaur and the alleged eye-witness namely, Major Singh and Gurtej Singh, have not supported the case of prosecution and have been declared hostile. To lend force to his contention, he has drawn the attention of this Court to Annexure P-4. He further submits that co-accused Parveet Kaur has already been granted the concession of regular bail by this Court vide order dated 10.12.2025. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 12.09.2024 and nothing is to be recovered. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 23 prosecution witnesses and out of which, only 03 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 the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed custody certificate of the petitioner, which is taken on record. Status report has already been filed and the learned State counsel 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. He has further submitted that the petitioner was armed with a Dang and he, in connivance with other co-accused has committed heinous crime of murder and does not deserve any concession from this Court. However, he has not controverted the fact that the complainant and other material witnesses have been declared hostile and that the petitioner is a first time offender as he is not involved in any other case.



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5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 01 year and 04 months; he has clean antecedents, investigation is complete; challan stands presented; charges framed; complainant and other material witnesses have not supported the case of the prosecution and have turned hostile; out of 23 witnesses, only 03 have been examined till date; the trial is proceeding at snail's pace, and will take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. His continued detention without the prospect of the trial being concluded in near future would be violative of her rights under Article 21 of the Constitution of India.

6. 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.

7. 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 (CrI) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SEC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (CrI) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC***



8. Further, in the case of *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*, wherein the 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 his 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*".

9. 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