

**In the High Court of Punjab and Haryana, at Chandigarh****Criminal Misc. No. M-66745 of 2025****Date of Decision: 09.03.2026**

Dilbir Singh alias Billa

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.Present: Mr. Vivek K. Thakur, Advocate
for the petitioner(s).Mr. Eklavya Darshi, Deputy Advocate General,
Punjab.**Surya Partap Singh, J.**

1. This petition for bail is the first petition filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 123 dated 16.06.2022 for the commission of offence punishable under Section(s) 302 of 'the Indian Penal Code, 1860', hereinafter being referred to as "IPC" only, Police Station Sultanpur Lodhi, District Kapurthala, Punjab.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Davinder Singh' hereinafter being referred to as "complainant" only. It was stated by the complainant that he had one brother and one sister, and that his younger sister, namely 'Balbir Kaur' was married in village Jalalabad, District Tarn Taran, whereas his younger brother, namely 'Dilbir Singh alias Billa' (petitioner herein) was

residing with his widowed mother in Jawala Singh Nagar locality in Sultanpur Lodhi.

3. It was further stated by the complainant that his brother 'Dilbir Singh alias Billa' had gone abroad, i.e. England, but was deported to India about four/five years ago. According to complainant after return his brother was idle and totally dependent upon his mother. The complainant further alleged that his brother 'Dilbir Singh alias Billa' was addicted to intoxicants such as liquor, cannabis etc. As per complainant he used to visit his mother twice a week, and that his mother had shared with him that she was facing problem because of violent conduct of petitioner, who used to demand money from her, and beat her mercilessly if not given.

4. The complainant further alleged that the petitioner had even threatened his mother, and that on 16.06.2022 when he came to meet his mother he found her dead body in the house, and that the dead body was decomposed to a large extent, showing that the death of his mother might have taken place five/six days earlier.

5. It is the case of prosecution that in view of above mentioned statement, formal FIR of this case was lodged and the investigation taken up. According to prosecution during the course of investigation the petitioner was arrested.

6. **Notice of motion.**

7. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab accepts notice on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

8. The record has been perused carefully.

9. A careful perusal of record shows that in the present case, following are the relevant factors which are necessary to be taken into consideration for a decision:-

- i) that the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than 3 years & 8½ months;
- ii) that except one case under Section(s) 323, 354 & 506 of IPC the petitioner has no criminal antecedents;
- iii) that the statement of sister of petitioner has already been recorded during the course of trial, wherein she has not supported the prosecution case with regard to involvement of petitioner in the commission of crime;
- iv) that there appears to be a motive behind the implication of petitioner in the commission of crime at the instance of complainant, as the complainant has already filed a civil suit with regard to property of his mother in which a Will has been executed in favour of petitioner;
- v) that the trial is taking place at a very slow pace, as out of 24 prosecution witnesses, only four have been examined till today;
- vi) that the investigation is already complete and therefore, nothing has been left to be recovered from the possession of petitioner;
- vii) that further detention of the petitioner in the judicial lock-

up is not likely to produce a fruitful result;

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 the investigation.

10. 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.”

11. 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.”

12. Recently, in the case of ‘Tapas Kumar Palit v. State of Chhattisgarh’, 2025 SCC Online SC 322 the Hon’ble Supreme Court of India 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.”

13. 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.

14. If the facts and circumstances of the present case are analyzed in the light of above-mentioned principles of law, it transpires that at this stage, the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

15. 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.

16. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(Surya Partap Singh)
Judge

March 09, 2026
“DK”

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