



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.69220 of 2025
Date of decision : 28.1.2026
Date of uploading : 28.1.2026**

Manminder Singh @ Rupa**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.S. Sidhu, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

Mr. J.S. Virk, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.119 dated 20.08.2024, registered for the offences punishable under Sections 103(1), 109, 191(3), 190, 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Anaj Mandi Patiala, District Patiala.
2. The gravamen of the allegations against the petitioner is that complainant, namely, Harjinder Singh stated that on the night of 19.08.2024, at about 10:00 PM, several persons were present in the house and on the terrace of his neighbour, Harwinder Singh @ Bai. At that time, the complainant's son, namely, Bikramjit Singh (deceased), returned



home on his motorcycle. As he was about to enter the house, Parwinder Singh @ Pindi raised a *lalkara* (challenge) saying, “*We will see you in the morning.*” Bikramjit Singh did not respond and went inside. After a short while, when Bikramjit Singh stepped out again to close the main door, Harwinder Singh pulled him out into the street. The complainant, Harjinder Singh, also came forward to save his son, but the accused persons dragged both of them into the street and started assaulting them. Parwinder Singh attacked Bikramjit Singh with an iron *takua*, striking him on the head, causing him to fall to the ground. Thereafter, Harwinder Singh struck Bikramjit Singh with a *danda* on the left side of his face and on other parts of his body. Parwinder Singh again inflicted three to four blows on Bikramjit Singh’s head with the *takua*. Along with them, there were Gurpal Singh, his brother-in-law (name unknown), Jaswinder Singh @ Jassu, Rohit, and Kulwinder Kaur and Anjali, both daughters of Gurpal Singh. They were armed with *lathis* and sticks, with which they repeatedly struck Bikramjit Singh while he lay on the ground. When the complainant tried to rescue his son, the aforementioned accused persons, along with 4–5 unidentified individuals, assaulted him as well using *lathis*, sticks, and iron weapons. Harwinder Singh struck the complainant multiple times on the head with a *daang*, while Parwinder Singh inflicted blows with a sharp weapon on the complainant’s arm and head. As a result of the brutal assault, both the complainant and his son sustained serious injuries. Bikramjit Singh succumbed to his injuries on the spot. Upon realizing his critical condition, the accused fled from the scene on



their respective vehicles while shouting *lalkaras* and issuing threats. Hearing the noise, neighbours rushed out of their homes. The complainant's family members and neighbours then took the injured Harjinder Singh and Bikramjit Singh to Rajindra Hospital, Patiala, for medical assistance. At the hospital, Bikramjit Singh was declared dead in the emergency ward.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 22.08.2024. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has also iterated that there is no motive attributable to the petitioner. Learned counsel has further iterated that the petitioner is not named in the FIR in question, although, he and the complainant-side belong to same village. Learned counsel has also argued that assuming *arguendo*, the prosecution version is taken to be correct, the prime evidence available against the petitioner is that of disclosure statement of co-accused and no recovery has been effected from the petitioner. Learned counsel has argued that the petitioner is a man aged 38 years with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 27.1.2026, in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through



the available records of the case.

6. The petitioner was arrested on 22.08.2024 whereinafter investigation was carried out and challan has been presented on 18.11.2024. Total 26 prosecution witnesses have been cited, and it is not in dispute that out of aforesaid cited witnesses, none has been examined till date. It is not in dispute that conclusion of the trial will take long time. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.1 The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been



brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

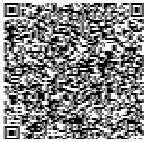
6.2 As per custody certificate dated 27.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 5 months and 3 days, & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the



State/complainant shall be at liberty to move cancellation of bail of the petitioner.

- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

28.1.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No