

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

**CRM-M No.70368 of 2025
Date of Decision: 23.04.2026**

Sarabjit Singh @ Saba

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Karambir Singh Kahlon, Advocate for the petitioner.

Mr. K.D. Sachdeva, D.A.G., Punjab.

Mr. M.K. Dogra, Advocate for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present fourth petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.5, dated 18.02.2021, under Sections 302, 379, 411, 404, 201, 120-B and 34 of IPC , registered at Police Station GRP, Pathankot, District Pathankot.

2. Succinctly the facts of the case are that the FIR in the present case was registered on the statement of Sohan Lal. It was alleged that the complainant had three children. On 14/02/2021, at about 4.00 PM, he alongwith his wife Asha went to Mukerian and on that day, his son, namely, Vishal (deceased) had talked with his mother last time on her phone number. It was alleged that the complainant's younger son, Rajan had seen Vishal going to Dinanagar on bullet No.PB06-AN-0709 with Saba (petitioner herein). He and his wife returned home at about 7.00 PM. They tried to contact Vishal on his mobile number but neither he not picked up the phone nor he returned home on the night of 14/02/2021. On 15/02/2021, complainant moved an application to Police Station City



Gurdaspur, to file missing report of his son Vishal. On the same day, at about 4.30 PM, he received a phone from SHO, Police Station City Gurdaspur, that a bullet motorcycle bearing No.PB06-AN-0709 was found by Police Post GRP, Gurdaspur near railway crossing village Paniar and same was parked in Police Post GRP, Gurdaspur. The complainant reached Police Post GRP, Gurdaspur and identified the motorcycle and it was informed that a young person injured with a train was got admitted in Civil Hospital, Gurdaspur, who died during treatment on the intervening night of 14- 15/02/2021, at about 02.00 AM. The complainant was shocked to receive this information and on 16/02/2021, he identified dead body of his son Vishal at Civil Hospital, Gurdaspur. It was alleged that after postmortem, the deadbody was handed over to the complainant. It was further alleged that the complainant's son Vishal had told him that on 13/02/2021, Karanveer Singh and his three friends had quarreled with Vishal and they had chased him while armed with Datars etc., however, Vishal fled away from the spot and On 14/02/2021, at about 8.40 PM, Saba took his son Vishal on motorcycle to the place of occurrence i.e. railway track between Gurdaspur to Dinanagar. It was alleged that the complainant is sure that his son was killed by Saba and his three friends by pushing him under the train. Thus, request was made to take legal action against the culprits. On registration of FIR, investigation commenced. The petitioner was arrested on 08.09.2022. On the completion of investigation, challan was presented and on framing of charges, the trial Court commenced with the trial. The petitioner approached the Court of Ld. Additional Sessions Judge, Gurdaspur for grant of bail, however, after hearing both the sides and finding no merits,



application was declined by the trial Court vide order dated 23.09.2022. Aggrieved by the same, the petitioner earlier approached this Court thrice by way of filing of CRM-M-59376-2022, CRM-M-157-2024 and CRM-M-5538-2025, however, the same were dismissed vide orders dated 19.07.2023, 10.04.2024 and 05.02.2025. Hence, the petitioner is before this Court by way of filing the present fourth petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the alleged occurrence had taken place on 14.02.2021 and deceased, namely, Vishal had died in the intervening night of 14/15.02.2021. He has submitted that it was purely an accidental case when deceased Vishal while crossing the railway track had met with an accident with the train as there was dense fog. To buttress his arguments, he submits that the loco pilot of the train was examined as PW-8 before the trial Court, who had duly deposed that the deceased while crossing the track had come under the train as there was a dense fog. After the accident, the train was stopped and the loco pilot informed the authorities and injured-Vishal was shifted to the Hospital. It is submitted that it is hereinafter in a clandestine manner the petitioner was implicated in the present case on the allegation that the deceased was last seen with the petitioner. He has submitted that evidently the case of the prosecution is purely based on circumstantial evidences and there are no evidence to connect the petitioner with the alleged occurrence. He submits that even otherwise the offence under Section 302 IPC is not even made out. He submits that the petitioner is behind bars since 08.09.2022 and the material witness also stands examined. He thus, submits that in the facts



and circumstances, the petitioner deserves to be granted bail as case of the petitioner is on better footings than that of the co-accused.

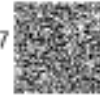
4. Learned counsel for the complainant has opposed the submissions made on behalf of the petitioner and submits that the complainant's son was last seen with the petitioner who in conspiracy with his friends committed the murder of his son.

5. Reply by way of affidavit of Mr. Amarvinder Singh, PPS, Deputy Superintendent of Police, Zonal GRP, Amritsar has been filed on behalf of respondent-State in the Court, same is taken on record.

6. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner was last seen with deceased-Vishal and thereafter, his dead body was found near the railway track which was duly identified by the complainant and his relatives of the deceased. He submits that mobile phone of the deceased was recovered from the petitioner and he sold the same to co-accused, Tarun, who was declared a proclaimed offender. He, on instructions, has submitted that out of total 37 prosecution witnesses, 08 witnesses have been examined so far. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

7. The Court has heard learned counsel for the parties and perused the record with their able assistance.

8. After hearing learned counsel for the parties and perusing the record, it is deciphered that the case of prosecution is based on the circumstantial evidences. Learned counsel for the petitioner has drawn the attention of this Court to the deposition of Loco Pilot, who was examined as PW-8 before the trial Court, who had deposed that the petitioner met



with an accident with the train as there was dense fog. This Court would refrain from commenting anything on the merits of the case as the same would lie within domain of the trial Court on the due appreciation of the evidences led, however, the custody certificate produced would show that the petitioner has suffered incarceration of 03 years, 07 months and 23 days as on 22.04.2026. It further reflects that the petitioner is involved in one more case, however, he has been acquitted in the same. Out of 37 prosecution witnesses, only 08 witnesses have been examined as on date.

9. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

10. The Hon'ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

11. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in '**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**', has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.



12. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail.

13. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

23.04.2026

ps-I

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