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

CRM-M No.70226 of 2025

Date of Decision: 27.03.2026

Gurpreet Singh @ Babba

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Chandan Singh Rana, Advocate and
Mr. Amandeep Singh Mann, Advocate
for the petitioner.

Mr. K. D. Sachdeva, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.56, dated 20.06.2023, under Sections 323, 307, 506, 148, 149 of IPC (Sections 302, 212, 216, 201 IPC added later on), registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Avtar Singh. It was alleged that on 19.06.2023, at about 11:30 P.M., while he was at his home, Kulvir Singh, Gurpreet Singh son of Bikar Singh, Gurpreet Singh (petitioner) son of Kharak Singh, Manjot Singh @ Jyoti,



Gurtej Singh and Sukhchain Singh @ Sukhi along with two other unknown persons came outside his house and started raising lalkaras Upon hearing the noise, the complainant and his son, namely, Baljinder Singh came out of the house in the street. Then, the complainant saw that Kulvir Singh was holding a kirch (dagger) in his hand and Gurpreet Singh son of Bikar Singh was holding a sharp weapon in his hand. Gurpreet Singh, i.e. the petitioner, Manjot Singh @ Jyoti, Gurtej Singh, Sukhchain Singh @ Sukhi and the other unknown persons holding sticks in their hands. In the presence of the complainant, Kulvir Singh gave kirch blow in the stomach of the son of complainant, namely, Baljinder Singh with intention to kill him. Thereafter, Gurpreet Singh son of Bikar Singh attacked upon the son of complainant with a sharp weapon, whereas the others gave beatings to his son with sticks. On raising alarm, people gathered and all the accused fled away from the spot in their vehicles along with their weapons while threatening the complainant and his son. Then the son of complainant, namely, Baljinder Singh got admitted in the CHC Khera for treatment. From where, he was referred to GMCH Sector 32, Chandigarh. Thereafter, he succumbed to the injuries. Thus, the request was made to take legal action against all the accused. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. Resultantly, the petitioner was arrested on 27.06.2023. On completion of the investigation, the challan has been presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Fatehgarh Sahib praying for the grant of regular bail. However, after hearing both the sides and finding no merit



in the same, the learned Additional Sessions Judge, Fatehgarh Sahib dismissed the bail application filed by the petitioner vide order dated 01.05.2025. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-34084-2025, however the same was dismissed vide order dated 27.08.2025. Hence being aggrieved, the petitioner is again before this Court praying for grant of regular bail by way of filing the present second petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that the case of prosecution is based on the eye-witness account, which has been registered on the statement of complainant, namely, Avtar Singh. He has submitted that it has been alleged by the complainant, who is the father of deceased, namely, Baljinder Singh that on 19.06.2023, at about 11:30 P.M., the petitioner along with the co-accused had allegedly caused the injuries to the deceased. He has submitted that the allegations against the petitioner are to the effect that he was carrying a stick and has given the stick blow to the deceased. He has submitted that the fatal blow with kirch (dagger) was alleged to be given by the co-accused, namely, Kulvir Singh. He has submitted that the ocular version is not even medically corroborated. He has submitted that as per the postmortem, the deceased was found to have suffered were injuries. He has submitted that injury No.1 which is caused with the dagger was found to be the cause of death. He has submitted that the petitioner is behind bars from last more than 2½ years. He has submitted that the petitioner has not implicated in any other case of the similar nature, though he was facing prosecution in one more



case, however, he is on bail in that case. He has submitted that the material witnesses have already been examined. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Status report dated 19.03.2026 by way of an affidavit of Raj Kumar, PPS, Deputy Superintendent of Police, Sub Division Bassi Pathana, District Fatehgarh Sahib on behalf of the respondent-State has already been filed by the learned State counsel in the Court, which is taken on record.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was not only the part of unlawful assembly, however, he has played an active role. He has submitted that the petitioner has given a blow of stick and he has caused injuries to the deceased, namely, Baljinder Singh. He, on instructions, has submitted that out of total 22 prosecution witnesses, 09 witnesses have been examined so far. He has submitted that no case for the grant of bail to the petitioner is made out and the present petition deserves to be dismissed. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

6. Heard.

7. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner has been alleged to be the part of unlawful assembly. The petitioner was allegedly armed with stick. The deceased suffered 03 injuries and injury No.1 caused with dagger was found to be sufficient to cause the death of the deceased. The petitioner was alleged to have given the stick blow to the deceased. The material



witnesses already stand examined. The petitioner is behind bars since the date of his arrest, i.e. 27.06.2023. Custody certificate produced would show that the petitioner has suffered an incarceration of 02 years and 09 months as on 26.03.2026. It further reflects that the petitioner is involved in 01 more case, however, he is on bail in that case. Out of total 22 prosecution witnesses, 09 witnesses have been examined so far.

8. 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.”

9. 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.

10. 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the



sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

11. 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.

12. Nothing said herein shall be treated as an expression of opinion on the merits of the cases.

27.03.2026		(RAJESH BHARDWAJ)
<i>rittu</i>	Whether Speaking/Reasoned :	JUDGE Yes/No
	Whether Reportable :	Yes/No