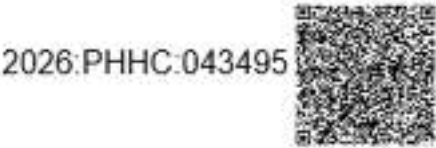


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-70815-2025 (O&M)

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	17.03.2026
2	The date when the judgment is pronounced	20.03.2026
3	The date when the judgment is uploaded on the website	20.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sparsh Chhibber, Advocate for the petitioner.
(through V.C.)

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J.

1. The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner seeking grant of regular bail in case bearing FIR No. 128 dated 20.11.2023 registered under Sections 323, 302 and 34 of IPC at Police Station Ahmedgarh, Malerkotla. His previous petition bearing *CRM-M-29326-2024* had been dismissed by

this Court, vide order dated 19.08.2025.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Raghvir Singh alleging therein that his son Gurpreet Singh (present petitioner) was married to Harpreet Kaur and was residing in a separate room of the same house in which the complainant was residing with his wife. The complainant had 22 bighas of land, out of which 14 bighas of land had been given to petitioner due to domestic discord and 8 bighas of land remained with him which he had given on lease. The petitioner and his wife allegedly harassed the complainant and his wife as they wanted to grab the share of the land of the complainant. On 16.11.2023, at about 9:00 AM, when the complainant was going outside after giving medicine to his wife, the petitioner asked him to lift sand from his agricultural land. Upon refusal, the petitioner assaulted the complainant while his wife Harpreet Kaur inflicted stick blows on his head and hand. Thereafter, their children also allegedly joined in the assault. Upon hearing the commotion, wife of the complainant came out but the petitioner and his children caught hold of her while his wife Harpreet Kaur gave fist and kick blows to her. On clamour being raised by the complainant and his wife, all the above-named persons ran towards their rooms. The complainant arranged a vehicle and got admitted himself and his wife in Civil Hospital, Malerkotla, where on 20.11.2023, the wife of the complainant succumbed to her injuries. After registration of FIR, investigation proceedings were initiated. Post-mortem examination of the dead body of the victim was got conducted. As per post-mortem examination report, the cause of death of the victim was found to be the heart disease, described as a natural disease sufficient to cause death in ordinary course of

nature. In view of this report, offence under Section 302 of IPC was dropped and offence under Section 304 of IPC was added. The petitioner and his wife were arrested on 12.12.2023. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is inordinate delay of 04 days in reporting the matter to the police. After dismissal of his previous bail petition, the trial has not proceeded much further, as only 04 witnesses have been examined so far out of total 16 witnesses. The complainant, during his cross-examination, has turned hostile as he has categorically denied to making any statement before the police which formed very basis for registration of the present FIR. The petitioner has clean antecedents. His further incarceration would not serve any useful purpose. Co-accused Harpreet Kaur has been extended benefit of bail by this Court, vide order dated 29.08.2025. On parity, he too deserves to be extended the same benefit. These facts amount to substantial change in circumstances which entitle him to seek concession of bail for him. Therefore, it is argued that the petition deserves to be allowed.

4. Status report and custody certificate have been filed by respondent-State. Learned State counsel has argued that the instant petition being a successive petition is not maintainable. The previous petition filed by him had been dismissed by this Court by passing a detailed order. It is further argued by her that keeping in view the gravity of the allegations levelled against the petitioner, he does not deserve to be released on bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner along with the co-accused is alleged to caused homicidal death of the victim on 16.11.2023, however, as per the postmortem report, the death of the victim occurred due to heart disease. Consequently, offence under Section 302 of IPC has been dropped. Learned counsel for the petitioner has placed on record copy of sworn deposition of the complainant recorded before the learned trial Court as Annexure P-4. On a perusal of the same, it is revealed that he did not implicate the petitioner at all in the commission of subject offence and totally resiled from the prosecution version and also stated that his signatures were obtained by the police on blank papers. Trial will take further time to conclude as only 04 prosecution witnesses have been examined so far. The petitioner is in custody for a period of about 02 years and 03months. Co-accused has already been granted concession of bail by this Court. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such

cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody anymore. Keeping in view the nature of evidence which has come on record in the form of testimony of the star witness of the case, the period of incarceration of the petitioner and the above discussed facts of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed, and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case and if it appears that it is on account of any act and conduct of the petitioner that further delay is being caused in the conclusion of the trial and further subject to his abiding by the following conditions:-

- (i) The petitioner will not tamper with evidence during trial.
- (ii) he will appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.
- (iii) 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 from disclosing such facts to the Court or to any police officer.
- (iv) any infraction shall entail in withdrawal of the benefit

granted by this court.

7. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.
8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.
9. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20.03.2026
Waseem Ansari

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No