



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-71617 of 2025

Date of Decision: 09.03.2026

Paramvir Singh alias Jiwi

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Kanwaljeet Singh, 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. 99 dated 13.08.2025, for the commission of offence punishable under Section(s) 105 and 3(5) [Section 238 added later on] of 'the Bharatiya Nyaya Sanhita, 2023' and Section 29 of 'the Narcotic Drugs and Psychotropic Substances Act, 1985' [added later on], Police Station Jodhan, District Ludhiana Rural, Punjab.

2. In nut-shell, the facts emerging from the record are that the death of 'Taranpreet Singh' son of Gurdeep Singh had taken place near the stadium of village Darwaja Purandas Gujjarwal, Police Station Jodhan,

District Ludhiana. With regard to above-mentioned death it was stated by

the father of deceased, namely 'Gurdeep Singh' that the death of his son had taken place unexpectedly and naturally, and that he had no suspicion against anybody regarding the death of his son. It is the case of prosecution that in view of above-mentioned statement of 'Gurdeep Singh' Daily diary Report No. 14 dated 12.08.2025 was recorded.

3. As per prosecution, subsequently on 13.08.2025 'Gurdeep Singh', hereinafter being referred to as "complainant" only, got his supplementary statement recorded wherein he stated that on 11.08.2025 when the son of complainant, namely 'Taranpreet Singh' was at his home, 'Manpreet Singh alias Mani' (petitioner herein) came to meet him and told him that 'Jagjivan Singh alias Jiwan' and 'Ranjit Singh alias Sonu' were waiting for him in the village stadium. According to complainant his son 'Taranpreet Singh' used to consume drugs occasionally and a few days ago, too, 'Taranpreet Singh', 'Jagjivan Singh alias Jiwan' and 'Ranjit Singh alias Sonu' had consumed drug with 'Manpreet Singh alias Mani'. In the above mentioned statement, the complainant raised a finger of suspicion towards the above named three persons by stating that his son was killed by injecting some narcotic substance into his body by the above named persons.

4. It is the case of prosecution that pursuant to above-mentioned statement, formal FIR of this case was lodged and the investigation taken up. It is the further case of prosecution that during the course of investigation when co-accused, namely 'Manpreet Singh alias Mani' was arrested he suffered a disclosure statement nominating therein the petitioner as one of the accused.

5. **Notice of motion.**

6. 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.

7. The record has been perused carefully.

8. 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 a period of more than 4½ months;
- ii) that except one case under the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has no criminal antecedents;
- iii) that the name of petitioner does not figure in the FIR;
- iv) that the only evidence collected by the Investigating Agency against the petitioner is the disclosure statement of co-accused, which was recorded when he was already in police custody and therefore, it appears to be barred by Section 23 of 'the Bharatiya Sakshya Adhiniyam, 2023';
- v) that the benefit of anticipatory bail has already been afforded to co-accused, namely 'Jagjivan Singh alias Jiwan' and the benefit of regular bail to other co-accused, namely 'Jagtar Singh alias Tari' and 'Ranjit Singh alias Sonu Nai', whose names find mentioned in the FIR;
- vi) that trial of the case is not likely to be concluded in near

future;

- vii) that the investigation is already complete and therefore, nothing has been left to be recovered from the possession of petitioner;
- viii) that further detention of the petitioner in the judicial lock-up is not likely to produce a fruitful result;
- ix) 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
- x) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

9. 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.”

10. 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.”

11. 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.”

12. 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.

13. 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.

14. 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.

15. 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