



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

229

CRM-M-73407-2025 (O&M)

Decided on : 11.02.2026

Jatinder Singh @Kalu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J.

This is first petition for bail filed by the petitioner with regard to FIR No.44 dated 28.03.2024 under Sections 302 and 149 of Indian Penal Code, Police Station Kamboj, District Amritsar (Rural). The abovementioned FIR came into being at the instance of 'Sushil Kumar', hereinafter being referred to as 'complainant' only. It was alleged by the complainant that his son, namely 'Ankit Bawa' was working as Labourer in a factory known as 'Sanj Private Limited', Mehta Road, New Focal Point, Amritsar. According to complainant, his son was having friendship with Jatinder Singh @Kalu (petitioner herein), a drug addict. As per complainant, on 27.03.2024 his son was called by Jatinder Singh @Kalu (petitioner herein) in day time, and that till 04:00 pm, on 28.03.2024 the whereabouts of his son were not known.



2. It was further stated by the complainant that at about 04:00 P.M. on 28.03.2024 a crowd had gathered on the road near canal in Village Udhian, and that when they went there, they found that the dead body of his son Ankit Bawa was lying there. It has been alleged by the complainant that Jatinder Singh @Kalu (petitioner herein) had called his son with an intention to kill him, because he was upset due to their resistance against the meeting of their son with Jatinder Singh @Kalu.

3. It is the case of prosecution that in view of abovementioned statement, the formal FIR of this case was lodged and the investigation taken up.

4. **Notice of motion.**

5. Mr. I.P.S. Sabharwal, DAG, Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However the learned State Counsel has orally opposed the present petition.

6. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, there is no eye-witness account in the present case and merely on the basis of assumption, that the petitioner was annoyed due



to resistance by the complainant against the meeting of his son with the petitioner, the petitioner is being subjected to prolong incarceration.

7. According to learned counsel for the petitioner, any convincing or reliable evidence does not exist to establish link between the commission of crime and the petitioner, and that the petitioner has already suffered a prolonged incarceration for being in custody for a period of almost one year & ten months. It has also been pointed out by learned counsel for the petitioner that during the above period of almost one year & ten months, the prosecution has not examined even a single witness, and therefore, there is no likelihood that the trial will conclude in near future. According to learned counsel for the petitioner, the present case, which is based on circumstantial evidence, there is nothing on record to show that the petitioner was having any kind of probable motive for the commission of offence.

8. *Per contra*, the learned State Counsel has argued that the allegations against the petitioner are very categorical and specific with regard to commission of murder of son of complainant. As per learned State Counsel, in view of the gravity of abovementioned offence, duly supported with reliable evidence, the petitioner is not entitled for the benefit of bail. It has been further contended by learned State Counsel that during the course of investigation the post-mortem examination of dead body of the deceased was got conducted, and that on custodial interrogation of Lovejit Singh @Jarila, he had suffered a disclosure statement, wherein he confessed that he along with the deceased and three more persons, namely Charanjit Singh,



Sahil Singh alias Bittu, Dilbagh Singh alias Bagha and Jatinder Singh @Kalu (petitioner herein) had consumed liquor. As per learned State Counsel, it has been disclosed by Lovejit Singh that thereafter, they entered into arguments which led to scuffle, and that they thrashed the deceased which led to his death. According to learned State Counsel, the abovementioned evidence *prima facie* proves the involvement of petitioner in the commission of crime.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for a decision:-

- i. that the petitioner is already in custody for a period of more than one year and ten months;
- ii. that on parity also the petitioner is entitled to bail, as similarly placed co-accused, namely Lovejit Singh @Jarila, has already been accorded the benefit of bail by this Court
- iii. that the petitioner has no criminal antecedents;
- iv. that the instant case is based on circumstantial evidence as there is no eye-witness account;
- v. that the only allegation against the petitioner is that he was last seen in the company of deceased;
- vi. that the trial is taking place at a very slow pace, as out of 19 prosecution witnesses, none has been examined so far;
- vii. that nothing is left to be recovered from the possession of petitioner;



- viii. that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- ix. that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- x. that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

11. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been 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”.

12. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned 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”.

13. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has 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



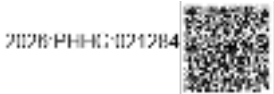
Hon'ble Supreme Court of India in the abovementioned case that "delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently".

14. 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.

15. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

16. 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 abovementioned concession shall be subject to following conditions:-

- (i) 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.

- (ii) 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 final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

11.02.2026

Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No