



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

249

CRM-M-19703-2026 (O&M)

Date of decision : 20.04.2026

Janak Raj

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Vipin Mahajan, Sr. Advocate with
Ms. Chandanpreet Kaur, Advocate for the petitioner.

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

Complainant-Hardev Singh in person.

SURYA PARTAP SINGH, J.

This petition for bail is the fourth 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.07 dated 15.02.2021, for the commission of offence punishable under Sections 302, 307, 323, 324, 120-B, 148, 149 of Indian Penal Code [charge framed under Section 120-B, 148, 302 read with Section 149 and 323 of IPC], Police Station Ghuman, Police District Batala, District Gurdaspur.

2. The abovementioned FIR came into being at the instance of 'Hardev Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 15.02.2021, when his sons, namely 'Simrandeep Singh' (now deceased) and 'Harmandeep Singh' were



going home from school at Ghuman, Harmanpreet Singh along with Germanpreet Singh, Jaswant Lal, Jaswinder Lal, Janak Raj (the petitioner herein), Mantu, Akash Deep Singh, armed with datars, steel rod, dangs (wooden stick) and baseball bats and Hans Raj, empty handed, and 2-3 unidentified persons attacked them outside the school gate and inflicted multiple injuries on the persons of Simrandeep Singh and Harmandeep Singh. As per prosecution case, Harmanpreet Singh was armed with a datar at the time of the occurrence and he inflicted a datar blow on the head of Simrandeep Singh (now deceased). As per prosecution, the injuries suffered by 'Simrandeep Singh' proved to be fatal.

3. It is the case of the prosecution that in view of abovementioned statement, 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 assisted by complainant in person has orally opposed the present petition.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is innocent, who has been falsely implicated in the present case, and that he is already in custody for a period of more than four years and eleven months.



8. In addition to above, the learned counsel for the petitioner has also contended that the trial is not likely to be concluded in near future. According to learned counsel for the petitioner, although this is fourth petition for bail filed by the petitioner, but third petition for bail filed by the petitioner was not decided on merits. It has also been contended by learned counsel for the petitioner, the prime role has been attributed to co-accused, namely 'Harmanpreet Singh' and the injury, which has been proved to be fatal for deceased, too, has been attributed to abovementioned co-accused only.

9. The learned State counsel has controverted the abovementioned arguments. According to learned State Counsel, the allegations against the petitioner are quite specific qua the fact that he was instrumental in causing death of the victim, and therefore, he is not entitled for the benefit of bail.

10. The record has been perused carefully.

11. 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 four years and eleven months;
- ii) that although this is fourth petition for bail, however the third petition for bail filed by the petitioner was not decided on merit. Rather, it was dismissed as withdrawn,
- iii) that the injury, which has been proved to be fatal for deceased, has been attributed to co-accused 'Harmanpreet Singh';



- iv) that the role attributed to the petitioner is lighter in comparison to the role attributed to co-accused, who has already been granted the benefit of bail;
- v) that co-accused of the petitioner, namely 'Harmanpreet Singh' and 'Jaswinder Singh', have already been accorded the benefit of bail by this Court;
- vi) that nothing has been left to be recovered from the possession of petitioner;
- vii) that the trial is not likely to be concluded in near future;
- viii) that the 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.

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

13. 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”.



14. 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”.

15. 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.

16. 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.

17. 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

20.04.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No