



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

228

CRM-M-38466-2026

Date of decision : 09.09.2026

Date of uploading : 09.09.2026

Gurpreet Singh @ Sahib @ Sam

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Jasdeep Singh Walia, Advocate and
Mr. Akamjit Singh Ahluwalia, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.40 dated 11.04.2025 under Sections 103, 3(5) of BNS (Sections 61(2), 49 of BNS added later on) and Section 27 of Arms Act, registered at Police Station Lahori Gate, Patiala, District Patiala.

2. The FIR in question pertains to the murder of one Mahinder Singh alias Mama.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 15.04.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the role attributed to the



petitioner, even as per the prosecution version, is merely that of being present at the spot, whereas the fatal gunshots are alleged to have been fired by co-accused, namely Honey Wadhwa. Learned counsel has further submitted that the prime prosecution witnesses, namely PW-Vansh Singh (FIR-complainant/son of the deceased) as also PW-Anmol, have turned hostile and, thus, the trial is not likely to culminate in conviction. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 08.09.2026 in Court, which is taken on record.

5. I have heard counsels for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 15.04.2025 wherein after investigation was carried out and challan stands presented on 09.07.2025. Total of 24 prosecution witnesses have been cited, out of which 2 have been fully examined and 2 have been partly examined till date. It is thus indubitable that culmination of trial will take its own time. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article



21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

Keeping in view the entirety of the factual milieu of the case in hand; especially the role attributed to the petitioner, the fact that the prime prosecution witnesses, including the FIR-complainant (Vansh Singh), who is none other than the son of the petitioner, have turned hostile, and the petitioner having clean antecedents; this Court is inclined to grant the concession of regular bail to the petitioner. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 08.09.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 years, 04 months and 21 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is **allowed**. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned



CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move for cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

09.09.2026
jatin

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No