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

CRM-M-58687-2025

Date of Decision: 24.03.2026

Gursewak Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Deepak Jaglan, Advocate for
Ms. Priyanka Vij, Advocate, for the petitioner.
Ms. Ramta Chowdhary, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.10 dated 12.01.2024, registered under Sections 302, 279, 353 and 186 IPC, at Police Station Shahkot, District Jalandhar.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of ASI Surjit Singh. It was alleged that on 10.01.2021, he alongwith the other police officials was present at Hi-teck checkpoint Kawaan Wala Pattan, Shahkot and they were conducting checking of the vehicles coming from Dharamkot side. At about 11:15 A.M, a Zen Car was seen coming from the Dharamkot side, which was signaled to stop but driver of the said car instead of stopping it, accelerated its race and brought the car towards him. He tried to save himself by going backwards but the driver of the car directly rammed the car in him, due to which he fell on the car and the driver turned the car towards footpath on the road side. The car went on the footpath and the driver immediately turned the car towards the road, due to which he fell down on the footpath. Aforesaid driver ran the car over him and thereafter, fled away from the spot in the car. He suffered various bodily injuries. On the basis of above statement, present FIR under Section 307, 279, 353 & 186 IPC was registered. The petitioner



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was arrested on 14.01.2024. On 11.02.2024, complainant ASI Surjit Singh succumbed to the injuries and vide DDR No.19 dated 11.02.2024, offence under Section 304 IPC was added in the present FIR. Thereafter, vide DDR No.25 dated 12.03.2024, offence under Section 304 IPC was deleted and offence under Section 302 IPC was added in the FIR. The petitioner approached the Court of learned Additional Sessions Judge, Jalandhar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 22.03.2024. Earlier the petitioner approached this Court by way of filing CRM-M-29256-2024, however, the same was dismissed vide order dated 12.11.2024. Hence, the petitioner has again approached this Court praying for grant of bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case for the offence under Section 302 IPC. It is contended that basically, it is an accidental case in nature, which has been turned to be a case under Section 302 IPC against the settled proposition of law. He submits that the accident took place on 10.01.2024, whereas, the deceased, namely, ASI Surjit Singh succumbed to the injuries on 11.02.2024. He submits that the LRs of the deceased filed a petition before MACT, Ludhiana claiming compensation and a claim of Rs.58 lacs has been awarded to the claimants vide order dated 08.03.2025. He contents that the petitioner has no criminal antecedents and he is behind the bars from the last more than two years, however, there is no progress in the trial. He, thus, submits that in the overall facts and



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circumstances of the case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has also opposed the submissions made by learned counsel for the petitioner. She has submitted that conduct of the petitioner amounts to offence under Section 302 IPC. It is contended that the FIR has been lodged on the statement of the deceased himself and thus, the same becomes a dying declaration. On instructions, she submits that out of total 26 prosecution witnesses, only one witness has been examine so far. She has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case took place on 10.01.2024 and the deceased succumbed to the injuries on 11.02.2024. Claim petition had been by the LRs of the deceased and learned MACT, Ludhiana vide order dated 08.03.2025 had granted compensation of Rs.58 lacs to the claimants. Whether it is a case of accident or culpable homicide amounting to murder, would be assessed by learned trial Court after appreciation of the evidence to be led by both the parties. The custody certificate would show that the petitioner has suffered incarceration of 02 years, 02 months & 08 days as on 23.03.2026. It further shows that the petitioner has no criminal antecedents. Only one witness has been examined out of total 26 prosecution witnesses.

6. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. The Hon'ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:



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“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

7. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

24.03.2026
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No