



CRM-M-4771-2025 (O&M) and one more case

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211+212 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

1. CRM-M-4771-2025 (O&M)
Date of Decision: 27.02.2025

HARKARTAR SINGH @ JASHANJEET SINGH @ JASHAN

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

2. CRM-M-4940-2025 (O&M)
Date of Decision: 27.02.2025

RANJODH SINGH @ JODHA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Brijesh Nandan, Advocate
for the petitioner in CRM-M-4940-2025 and
Mr. Rupender Singh Rana, Advocate
for the petitioner in CRM-M-4771-2025.

Mr. Sandeep Kumar, DAG Punjab

Harpreet Singh Brar, J. (Oral)

1. Both the aforementioned petitions are decided by this common order as both the petitions are filed under the same FIR. However the facts are taken from CRM-M-4771-2025.

2. Prayer in both these 2nd petitions filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in FIR No.109 dated 28.07.2020 registered under Section 302 IPC (Sections 379B(2), 202, 148, 149, 120-B IPC added later on) at Police Station Chohla Sahib, District Tarn Taran.

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3. The present case is registered at the instance of statement made by Balkar Singh s/o Fauja Singh on 28.07.2020, wherein he stated that his son Jugraj Singh was helping him in his agriculture work. On 27.07.2020 at about 8:00 PM, his son went outside for running and took his mobile phone with him. At about 9:00 PM, Harmandeep Singh s/o Hardev Singh r/o Garhka who studied along-with his son came to his house and told him that when he was ploughing the land near the place of Gurudwara Shaheedan Sahib, at that time, Jugraj Singh passed from there, while chasing a person, who had snatched his mobile phone and he was saying to that person to return his mobile phone. Later on, a search was made of Jugraj Singh, but he could not be traced and his mobile phone was found to be switched off. On 28.07.2020 at about 7:30 AM, when the complainant along-with co-villagers went for the search of his son Jugraj Singh, then they saw the dead body of his son Jugraj Singh in the paddy fields of Swaran Singh s/o Shingara Singh and there was an injury on his neck with sharp edged weapon and blood was oozing from his body. On the basis of this statement, the impugned FIR was registered against the unknown persons.

4. Learned counsel for the petitioners in both the petitions submit that these are second petitions seeking grant of regular bail to the petitioners and the first petitions were dismissed as withdrawn on 25.07.2023 and 11.03.2024 and present second petitions have been filed on account of delay in conclusion of trial and also on account of grant of bail to similarly situated co-accused namely Resham Singh, Jaswinder Singh @ Kachu and Arshdeep Singh, who have been granted the concession of regular bail by this Court vide orders dated 11.12.2024 and 29.01.2025 passed in CRM-44378-2024, CRM-M-3829-2025 and CRM-M-53782-2024. Learned counsel(s) for the petitioners *inter alia* contends that the alleged date of incident is 27.07.2020 and the dead body of the deceased Jugraj

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Singh was recovered on 28.07.2020 and thereafter, 09 months of the alleged incident, the investigating agency recorded the statement of one Gurmej Singh wherein he alleged that Jugraj Singh was following the motorcycle, which was driven by Harmanpreet Singh @ Dana and Harmanpreet Singh @ Joban and Ranjodh Singh @ Jodha, were the pillion riders. The deceased Jugraj Singh was shouting loudly that these persons had snatched his mobile phone. Thereafter, it was further alleged that the co-accused joined the aforementioned persons and Harmanpreet Singh @ Dana (co-accused) gave a datar blow on the neck of the deceased Jugraj Singh. As a result of which, he fell down and all other persons including the present petitioners tried to push the head of the deceased into the watercourse in order to drown him.

5. Learned counsels for the petitioners further submit that no specific role has been attributed to the petitioners and further they are not one of the initial assailants, whom the deceased was chasing and further the cause of death is not drowning rather the deceased has died due to injuries given by co-accused Harmanpreet Singh @ Dana with sharp edged weapon. He further submits that the co-accused Harmanpreet Singh @ Dana, has already been granted the concession of regular bail vide order dated 07.02.2022, passed by the Co-ordinate Bench of this Court in CRR No.1163 of 2021 (Annexure P-1) and the petitioners are behind the bar since May 2021 and in spite of passing of about 04 years, the prosecution has not been able to conclude its evidence.

6. Per contra, learned State counsel opposed the prayer for grant of regular bail to the petitioners and refers to the status report dated 26.02.2025, filed by way of affidavit of Atul Soni, Deputy Superintendent of Police, Sub-Division Khadur Sahib, Camp at Goindwal Sahib, District Tarn Taran and submits that the petitioners have actively participated in the alleged incident and they

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along with co-accused have pushed the deceased Jugraj Singh into the watercourse in order to drown him. However, he could not controvert the fact that out of 35 prosecution witnesses, only 14 prosecution witnesses have been examined till date and the trial is moving at a snail pace.

7. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioners are in custody for the last more than 03 years 09 months and 01 day and the trial of the case will take long time in its conclusion as out of 35 PWs, only 14 PWs have been examined so far. The culpability, if any, would be determined at the time of trial. Keeping the petitioners in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

8. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

9. It has further been held in law that if a person is deprived of his liberty under a procedure which is not reasonable, fair, or just, such deprivation would be violative of his fundamental right under Article 21 of the Constitution of India. The procedure so prescribed must ensure speedy trial for determination of the guilt of such person. Some amount of denial of personal liberty cannot be avoided, but if the period of deprivation pending trial becomes excessively long, the fairness guaranteed by Article 21 of the Constitution of India would come into play.



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10. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- *Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs. State of Punjab, (2005) SCC (Crl) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (Crl) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752.*

11. Accordingly, both the present petitions are allowed and the petitioners- Harkartar Singh @ Jashanjeet Singh @ Jashan and Ranjodh Singh @ Jodha are ordered to be released on regular bail during trial on their furnishing bail/surety bonds to the satisfaction of learned Illaqa Magistrate/trial Court/Duty Magistrate concerned.

12. The present petitions seeking regular bail to the petitioners are allowed solely on the ground of long custody already undergone by the petitioners and without commenting on the merits of the case, lest it may prejudice the outcome of the case pending before the learned trial Court.

(HARPREET SINGH BRAR)
JUDGE

27.02.2025

Ajay Goswami

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>