



**In the High Court for the States of Punjab and Haryana
at Chandigarh**

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CRM-M-51711-2025 (O&M)
Date of Decision:- 24.09.2025

Sukhraj Singh @ Kali ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Ms. Gursharan Kaur Mann, Sr. Advocate with
Mr. Anmol Jeevan Singh Gill, Advocate,
Ms. Simrat Kaur, Advocate and
Ms. Armandeep Kaur Sidhu, Advocate for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in case FIR No.0185 dated 14.08.2021 registered under Section 302 read with Section 34 of Indian Penal Code, 1860 at Police Station Gharinda, District Amritsar.

2. Learned counsel for the petitioner contended that the present petitioner has been falsely implicated in the present case. He further contended that the present petitioner is in custody for the last more than 4 years. The last seen witness has already been examined and he has not supported the case of prosecution; other material witnesses have already been examined in this case; witness regarding extra judicial confession has expired before his deposition in the Court; co-accused namely Rajinder Singh @ Raja has been granted concession of regular bail by a coordinate bench of this Court vide order dated 22.04.2025 passed in CRM-M-30943-2022; only formal witnesses are yet to be examined and the trial will take sufficient time to conclude; the petitioner deserves to be released on regular bail.



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3. Mr. Subhash Godara, Addl. A.G., Punjab, puts appearance on behalf of the respondent-State and placed on record the custody certificate of the petitioner, which shows that the petitioner is behind bars for the last more than 4 years. Learned State counsel has opposed the prayer for grant of regular bail to the petitioner. However, it is fairly conceded that the petitioner is not involved in any other case except one case under Prisoner Act.

5. Heard.

6. Keeping in view the facts and circumstances of the case and the fact that the petitioner is in custody since the last about 4 years and 28 days; material witnesses have already been examined in this case and co-accused, namely, Rajinder Singh @ Raja has been granted concession of regular bail by a coordinate bench of this Court vide order dated 22.04.2025 passed in CRM-M-30943-2022; the case of the present petitioner is on similar footings as that of co-accused, namely, Rajinder Singh @ Raja, there is no apprehension from the prosecution after release, will tamper with prosecution evidence as only official witnesses are yet to be examined; the trial will take sufficient time to conclude; case is based on circumstantial evidence and culpability of petitioner will be determined after concluding of trial and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as measure of punishment and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released



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on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

24.09.2025

Geeta

**(SUBHAS MEHLA)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No