



223

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-39738-2025 (O&M)  
DECIDED ON: 31.07.2025

GURLAL SINGH ALIAS PINKU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Om Malhan, Advocate for the petitioner.  
Mr. Rajiv Verma, Sr. DAG, Punjab.

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SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This 3<sup>rd</sup> petition has been filed under Section 483 of BNSS, 2023 grant of regular bail in FIR No. 0101 dated 22.12.2024 registered under Sections 305(B), 307, 3(5) (Section 238 of BNS added later on) of BNS, 2023 at Police Station GRP Jalandhar, District Govt. Rly Police/Jalandhar, Punjab.

**3. Contentions:****On behalf of the petitioner**

At the outset, learned counsel for the petitioner submits that the matter has been compromised between the parties on the basis of compromise deed dated 14.05.2025 (Annexure P-3), with the intervention of the respectable of the society. He further submits that co-accused Sunny has already been granted concession of regular bail vide order dated 04.07.2025 passed in CRM-M-31351-2025.

**On behalf of the State**

On the other hand, learned State Counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is



behind bars for 7 months and 5 days and is not in a position to controvert the submission made by learned counsel for the petitioner.

4. **Analysis**

Considering the fact that the parties have amicably resolved the matter as is evident from Annexure P-3 i.e. compromise deed dated 14.05.2025 and the investigation is completed, challan stands presented on 17.02.2025 charges have been framed on 03.03.2025 and out of total 10 prosecution witnesses, none has been examined so far, which is sufficient for this Court to infer that conclusion of trial shall take considerable time, therefore, this Court is of the view that no useful purpose would be served by keeping the petitioner behind bars for uncertain period, wherein “*bail is a rule and jail is an exception*” and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

Therefore, 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 is the mandate of the Apex court in “**Balwinder Singh versus State of Punjab and Another**”, ***SLP (Crl.) No.8523/2024.*** Relevant paras of the said judgment reads as under:-

*“7. An accused has a right to a fair trial and while a hurried trial is frowned upon as it may not give sufficient time to prepare for the defence, an inordinate delay in conclusion of the trial would infringe the right of an accused guaranteed under Article 21 of the Constitution.*



8. *It is not for nothing the Author Oscar Wilde in “The Ballad of Reading Gaol”, wrote the following poignant lines while being incarcerated:*

*“I know not whether Laws be right,  
Or whether Laws be wrong;  
All that we know who be in jail  
Is that the wall is strong;  
And that each day is like a year,  
A year whose days are long.”*

5. **Relief:**

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

31.07.2025  
anuradha

(SANDEEP MOUDGIL)  
JUDGE

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