



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

235

CRM-M-30890-2025
Decided on : 21.07.2025

Gurpartap Singh . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Prince Sharma, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gurpartap Singh	104	12.12.2023	304-A/427/279 of IPC, 1860 (Later on added Section 304 of IPC and deleted Section 304-A of IPC)	Harike	Tarn Taran

2. Learned counsel for the petitioner submits that initially, FIR was registered under Sections 304-A, 427, and 279 of the IPC. However, subsequently, after a period of about one year and four months, vide GD No. 25, dated 20th March, 2025, the nature of allegations was altered by introducing *mens rea* and adding the offence of culpable homicide punishable under Section 304 IPC (now Section 105 of BNS, 2023).

It is submitted that the changed allegations, introduced after



such a long delay, are yet to be substantiated by the prosecution. The petitioner, who is not a habitual offender and has already been in custody for approximately three months and fifteen days, is therefore entitled to be released on bail.

3. *Per contra*, learned State counsel, vehemently opposed the prayer of bail. He, however, does not dispute the any factual aspects, which are already there on record and as have been submitted by learned counsel for the petitioner.

Learned State counsel while filing custody certificate dated 20.07.2025, in Court, also confirms that petitioner is there inside jail for the period of 03 months and 15 days till 20.07.2025, and none of the prosecution witness has been examined so far, as charges are yet to be framed.

Custody certificate is taken on record, subject to all just exceptions. Office to tag the same at appropriate place. Copy thereof has also been handed over to the counsel for the petitioner.

4. After considering the contentions of both sides and perusing the averments made in the petition, this Court finds that the offence under Section 304 of IPC (now Section 105 of BNS, 2023) was added subsequently, after a lapse of about one year and four months. The allegations attracting Section 304 IPC are yet to be established during the course of trial.

Further, petitioner has been in custody for approximately three months and fifteen days and no prosecution witness has been examined so far, as charges are yet to be framed. In such circumstances, petitioner cannot be kept behind bars for an indefinite period, thereby curtailing his personal liberty.

Therefore, considering the totality of circumstances, and the nature of allegations leveled against the petitioner, and the factors noted here-



above, I deem it appropriate to grant the concession of bail to the petitioner.

5. Consequently, prayer made in the present petition is **allowed**.

Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

7. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

July 21, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No