



CRA-S-968-2024

-1-

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

**CRA-S-968-2024 (O&M)**

Date of Decision: 22.07.2025

Subhkaranjit @ Shubhkaranjeet Singh

..... Appellant

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Simranjit Singh, Advocate, for the appellant.

Ms. Simran Gorla, AAG, Punjab.

Mr. Jagjeet Singh, Advocate for

Mr. Amit Arora, Advocate, for the complainant.

**Rajesh Bhardwaj, J. (ORAL)****CRM-27838-2025**

Prayer in the present application is for correction in the opening sheet in the grounds of appeal by adding Section 3 of SC/ST Act, 1989 and deleting Section 4 of SC/ST Act, 1989.

Learned counsel for the applicant-appellant has submitted that inadvertently, Section 4 of the SC/ST Act, 1989 is mentioned in the opening sheet of the grounds of appeal.

Notice in the application.

Ms. Simran Gorla, AAG, Punjab, accepts notice on behalf of the State and pleads no objection, if the present application is allowed.

After hearing learned counsel for the parties, the present application is allowed. Offence under Section under Section 4 of the SC/ST Act, 1989 is directed to be deleted in the opening sheet of the ground of appeal. Now the FIR be read under Section 3 of the SC/ST Act, 1989 alongwith the Sections of IPC.

Registry is directed to carry out necessary corrections.

Main appeal

1. Appellant has approached by way of filing the present appeal praying for grant of regular bail in case FIR No.102 dated 07.06.2021 under Sections 302, 148, 149 IPC (Sections 148 and 149 IPC deleted and Section 34 IPC added and Section 3 of SC/ST Act 1989 added lateron), registered at Police Station Goindwal Sahib, District Tarn Taran.

2. As per facts of the case, the FIR in the present case was registered on the statement of the complainant, namely, Satnam Singh. It was alleged by the complainant that on 06.06.2021 at about 09:30 p.m., his son Jagdeep Singh and his brother's son Harjot Singh went to club. He went to the club to call them and he saw that Shubhkaranjit Singh (appellant) armed with iron rod, Gurpartap Singh armed with *Dang*, Dilbagh Singh empty handed, Khandi armed with knife and Love armed with *Dang*, were standing there. He saw that Shubhkaranjit Singh hit his son with the iron rod on his head and in the meantime, Khandi gave knife blow in the heart of his son. His son fell down and Khandi kept on stabbing his son. Dilbagh Singh and Love also gave *Dang* blow on the legs of his son. He alleged that there was a dispute regarding damage of electric pole by Harjot Singh while learning driving tractor of Khandi. As Khandi was asking to pay money regarding damage, the dispute had taken place and his son was killed by them. Request was made to take legal action against the accused person. On the registration of the FIR, the investigation commenced. During the investigation, the appellant was arrested on 07.06.2021. He approached the Court of learned Additional Sessions Judge, Tarn Taran 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 appellant vide order dated 16.05.2022. Thereafter, the appellant approached this Court by way of filing CRM-M-1840-2023, however, after hearing both the side the same was dismissed as withdrawn vide order dated 27.07.2023. Hence, the appellant has again approached this Court praying for grant of bail by way of filing the present appeal.

3. Learned counsel for the appellant has vehemently contended that the appellant has been falsely and frivolously implicated in the present case. He has submitted that the appellant had been alleged to have given rod blow on the head of the deceased, however, on perusal of the postmortem report, it is apparent that cause of death of the deceased was due to the knife injury, which had been alleged to co-accused Khandi. It is submitted that the appellant is not even belonging to the village, where the occurrence had taken place. He submits that motive was also alleged against the co-accused and not against the appellant. He submits that the appellant is behind bars since the date of his arrest and challan was presented on 19.08.2021 and charges were framed, however, no single witness has been examined till date. He submits that fundamental right of the appellant of speedy trial is miserable defeated. He further submits that the appellant has no criminal antecedents and thus, in the overall facts and circumstances of the case, he deserves to be granted regular bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made by counsel for the appellant. He has submitted that the appellant not only specifically named in the FIR, but he was duly armed with iron rod and gave rod blow on the head of the deceased. He, thus,



submits that no case for the grant of regular bail to the appellant is made out.

5. Per contra, learned State counsel has opposed the submissions made by counsel for the appellant on the same line. She submits that the appellant had the common intention with the co-accused to commit murder of the deceased. She submits that the appellant had given injury on the head of the deceased. On instructions, she submits that out of total 21 prosecution witnesses, no witness has been examined till date.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the appellant was arrested on 07.06.2021. Admittedly, challan was presented and charges were framed, but as per instructions, till date not even a single prosecution witness has been examined. There is no gainsaying that every accused has a fundamental right of speedy trial.

7. As submitted before this Court, the appellant is behind bars since 07.06.2021 and as per law settled, speedy trial to the appellant, cannot be taken away. The trial of the case is likely to take sufficient time. 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:

*“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.”*

8. 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.

9. 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. This Court would refrain itself from commenting anything on the merits of the case. 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 appellant succeeds in making out a case for grant of regular bail to the appellant.

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

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

**(RAJESH BHARDWAJ)**  
**JUDGE**

**22.07.2025**

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