



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

CRM-M-34093-2025
Date of decision: 09.07.2025

SUKHDEV SINGH ALIAS BITTU

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Angad Parmar, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.326 dated 08.12.2020 registered under Section 302 of IPC at Police Station Sadar Amritsar.

2. The FIR (*supra*) was registered on the statement made by one Vijay son of Parkash @ Passa, which is reproduced hereunder :

“Vijay, son of Prakash alias Pasa, aged about 26 years, residing at House No. 162, Street No. 4, Ganda Singh Wala, Majitha Road, Amritsar (Mobile No. 83603-54655), work as a POP (Plaster of Paris) laborer. My father, Prakash alias Pasa, works as a manual laborer, and my mother, Charan Kaur allas Channo, used to work as a cleaner in people's houses. We are three siblings—I am the eldest, followed by my younger sister Rekha, and the youngest sister Manna. All of us are married. I live at the given address with my father, mother, wife Meena, son Sarfaraz, and daughter Jessica.

Every day, my father and I leave for work around 9 AM and return by 8 PM. My mother used to leave home at 9-9:30 AM for cleaning work and return by 4 PM. On 07-12-2020, as usual, my



father, mother, and I went to work, I returned home around 8 PM, and shortly after, my father also came back. My wife, Mona, told me that my mother had gone to work in the morning but had not returned yet. My father and I searched the houses where she worked, but everyone said she had left after finishing her work.

About four years ago, my mother became acquainted with Sukhdev Singh alias Bittu, son of Fouja Singh, residing in Street No. 4, Ganda Singh Wala, Majitha Road, Amritsar. Later, he started visiting our house. Around a year ago, my mother and Sukhdev Singh developed an illicit relationship. We tried to stop him, but he kept forcing his way into our home. My mother repeatedly told him, "The children are grown up; leave me alone," and she even tried to end the relationship, but Sukhdev Singh kept pressuring her. Due to neighborhood ties and respect, we ignored the matter and did not report it to anyone.

On 07-12-2020, when my mother left for work, Sukhdev Singh confronted her in the street, arguing and threatening, "If you don't listen to me, I will teach you such a lesson that you will remember it for life." I intervened, and he left. Later, my mother did not return home. We searched all night but could not find her. The next day, around 2 PM, we learned that a woman's body had been found in an empty plot in Rishi Vihar, Street No. 2. When my father and I went there, we saw it was my mother, Charan Kaur, with a severe head injury. She had died from the wound.

I am certainly believe that Sukhdev Singh alias Bittu murdered my mother. I demand strict legal action against him. After leaving my father at the scene, I came to the police station to report the crime. My statement has been recorded, read back to me, and is correct."

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case as there is no direct evidence with regard to the involvement of the petitioner in the alleged incident. He further contends that the petitioner has been nominated as accused on the basis of suspicion. Furthermore, the prosecution has alleged that the petitioner has committed the rape upon the deceased, however, the



chemical examiner's report and deposition of PW-1, namely, Dr. Satbir Singh clearly rules out the said allegation. Learned counsel submits that the petitioner has filed the present petition seeking regular bail on the ground of delay in conclusion of trial and long incarceration of the petitioner, for a period of more than 04 years, 06 months and 27 days and till date, the prosecution has examined only 03 witnesses, out of 28 witnesses cited by the prosecution.

4. Learned State counsel produces the custody certificate, which is taken on record and *per contra*, opposes the prayer made by the petitioner on the ground that the petitioner is the main accused in the crime and was having illicit relationship with the deceased. Further, the petitioner is involved in one more case under Sections 379 and 411 of IPC, as such, he is not entitled to any relief. However, he could not controvert the fact that only 03, out of total 20 prosecution witnesses, have been examined so far and the petitioner is behind the bars for the last more than 04 years, 06 months and 27 days as on 08.07.2025.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 11.12.2020. The final report under Section 173 Cr.P.C. was presented before the concerned Court and subsequently, charges were framed. Currently, the trial is at the stage of prosecution witness and out of 20 prosecution witnesses, only 03 have been examined till date. The petitioner has already undergone actual custody period of 04 years, 06 months and 27 days of custody as on 08.07.2025 and the delay in conclusion of trial cannot be attributed him.

6. 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.

7. 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.

8. 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.***

9. In view of the ratio of law laid down by Hon'ble Supreme Court in ***Prabhakar Tiwari Vs. State of UP and Anr.*** 2020(1) RCR (Criminal) 831 and ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others*** 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.



10. Accordingly, the present petition is allowed and petitioner-Sukhdev Singh @ Bittu is ordered to be released on regular bail during trial on his furnishing bail/surety bonds to the satisfaction of learned Illaqa Magistrate/trial Court/Duty Magistrate concerned.

11. The present petition seeking regular bail to the petitioner is allowed solely on the ground of long custody already undergone by him and without commenting on the merits of the case, lest it may prejudice the outcome of the case pending before the learned trial Court.

12. 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.

July 09, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |