



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

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**CRM-M-3829-2025 (O&M)
Date of decision: 29.01.2025**

Jaswinder Singh @ Kachu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sukhbir Maandi, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in FIR No.109 dated 28.07.2020 registered under Section 302 IPC (Sections 379-B(2), 202, 148, 149, 120-B IPC added later on) at Police Station Chohla Sahib, District Tarn Taran.

2. As per the prosecution case, the FIR (supra) has been registered at the instance of statement made by Balkar Singh son of Fauja Singh on 28.07.2020, wherein he stated that his son Jugraj Singh was helping him in his agriculture work. On 27.07.2020 at about 8:00 PM, his son went outside for running and took his mobile phone with him. At about 9:00 PM, Harmandeep Singh s/o Hardev Singh r/o Garhka who studied along-with his son came to his house and told him that when he was ploughing the land near the place of Gurudwara Shaheedan Sahib, at that time, Jugraj Singh passed from there, while



chasing a person, who had snatched his mobile phone and he was saying to that person to return his mobile phone. Later on, a search was made of Jugraj Singh, but he could not be traced and his mobile phone was found to be switched off. On 28.07.2020 at about 7:30 AM, when the complainant along-with co-villagers went for the search of his son Jugraj Singh, then they saw the dead body of his son Jugraj Singh in the paddy fields of Swaran Singh s/o Shingara Singh and there was an injury on his neck with sharp edged weapon and blood was oozing from his body.

3. Learned counsel for the petitioner *inter alia* contends that the alleged date of incident is 27.07.2020 and the dead body of the deceased Jugraj Singh was recovered on 28.07.2020 and thereafter, 09 months of the alleged incident, the investigating agency records the statement of one Gurmej Singh wherein he alleged that Jugraj Singh was following the motorcycle, which was driven by Harmanpreet Singh @ Dana and Harmanpreet Singh @ Joban and Ranjodh Singh @ Jodha, were the pillion riders. The deceased Jugraj Singh was shouting loudly that these persons had snatched his mobile phone. Thereafter, it is further alleged that the co-accused joined the aforementioned persons and Harmanpreet Singh @ Dana (co-accused) gave a datar blow on the neck of the deceased Jugraj Singh. As a result of which, he fell down and all other persons including the present petitioner tried to push the head of the deceased into the watercourse in order to drown him.

4. Learned counsel for the petitioner further submits that no specific role has been attributed to the petitioner and further he is not



one of the initial assailant, whom the deceased was chasing and further the cause of death is not drowning rather the deceased has died due to injuries given by co-accused Harmanpreet Singh @ Dana with sharp edged weapon. He further submits that the co-accused Harmanpreet Singh @ Dana, has already been granted the concession of regular bail vide order dated 07.02.2022, passed by the Co-ordinate Bench of this Court in CRR No.1163 of 2021 and similarly, another co-accused Arshdeep Singh has also been granted the concession of regular bail vide order dated 20.01.2025 passed by this Court in CRM-M-53782-2024 and the petitioner is behind the bar since 24.05.2021 and inspite of passing of about 04 years, the prosecution has not been able to conclude its evidence.

5. *Per contra*, learned State counsel opposes the prayer for grant of regular bail to the petitioner and submits that the petitioner has actively participated in the alleged incident and he along with co-accused has pushed the deceased Jugraj Singh into the watercourse in order to drown him and the petitioner is involved in one more case i.e. FIR No.40 of 2019, registered under Sections 21, 29 of the NDPS Act at Police Station Kacha Pakka, Tarn Taran, however, he could not controvert the fact that the co-accused of the petitioner have already been granted the concession of regular bail and out of 35 prosecution witnesses, only 13 prosecution witnesses have been examined till date and the trial is moving at a snail pace.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires



that the petitioner is in custody for the last 03 years, 08 months and 02 days and the trial of the case will take long time in its conclusion as out of 35 PWs, only 13 PWs have been examined so far. The culpability, if any, would be determined at the time of trial. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

7. 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.

8. 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.

9. 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.

10. Accordingly, the present petition is allowed and petitioner – Jaswinder Singh @ Kachu is ordered to be released on regular bail during trial on 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.

(HARPREET SINGH BRAR)
JUDGE

29.01.2025

yakub

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No