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

222+225

**Date of decision: 03.04.2025**

**1. CRM-M-21409-2024**

Lovepreet Singh Labha

....Petitioner

Versus

State of Punjab

....Respondent

**2. CRM-M-12151-2025**

Jujhar Singh @ Hazara

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Sultan Singh Gill, Advocate  
for the petitioner in CRM-M-21409-2024.

Mr. Rajiv Kumar Saini, Advocate  
and Mr. Parvatan Singh, Advocate  
for the petitioner in CRM-M-12151-2025.

Mr. Sandeep Kumar, DAG, Punjab.

**HARPREET SINGH BRAR J. (Oral)**

1. Vide this common order, I intend to dispose of CRM-M Nos.21409 of 2024 and 12151 of 2025, as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CRM-M-21409-2024.

2. Prayer in both these petitions filed under Section 483 of BNSS, 2023/439 of Cr.P.C. is for grant of regular bail to the petitioner(s) namely Lovepreet Singh Labha and Jujhar Singh @ Hazara

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in FIR No.0244 dated 28.09.2021 registered under Sections 307, 341, 324, 148, 149 IPC (Sections 326, 323 IPC added later on) at Police Station Chheharta, District Police Commissionerate, Amritsar.

3. The petition i.e. CRM-M No.21409 of 2024, is the 1<sup>st</sup> petition filed by the petitioner – Lovepreet Singh Labha while the petition i.e. CRM-M No.12151 of 2025, is the 2<sup>nd</sup> petition filed by the petitioner – Jujhar Singh @ Hazara. The petitioner Jujhar Singh's 1<sup>st</sup> petition seeking regular bail was dismissed as withdrawn on 23.01.2024. The 2<sup>nd</sup> petition on behalf of the petitioner – Jujhar Singh @ Hazara, has been filed on the ground of delay in conclusion of trial as the petitioner has suffered the incarceration of more than 03 years.

4. The brief facts of the case are that Kashmir Singh, a 50 years old vegetable vendor from Baba Farid Nagar, Amritsar, stated that his son, Manpreet Singh @ Mann and his friend Varinder Singh @ Mithu attended a birthday party on the evening of 27.09.2021. At around 1:00 AM, when they were returning home on a motorcycle, they were ambushed near Milap Avenue by Hazara, Labha, Mann, Roba and others, who arrived in cars and on motorcycles, armed with kirpans and datars. The assailants encircled the two and attacked them, causing severe injuries to their heads and other parts of their bodies. Kashmir Singh rushed to the spot and he along with his son's friends, took the injured to Amandeep Hospital, Amritsar, for treatment. Thereafter, the impugned FIR was registered.

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5. Learned counsel for the petitioner(s) refers to the case set up by the prosecution and submits that no specific injury has been attributed to the petitioner(s). Further both the injured as well as the complainant have already been examined before the learned trial Court. He further submits that the statement of injured witness Manpreet Singh was recorded after a delay of 14 days of the alleged occurrence and material improvements have been made in his statement. He additionally submits that it is a matter of trial as to which of the accused has caused the injuries, which were declared dangerous to life.

6. Learned counsel for the petitioner(s) further submits that although the petitioner(s) are involved in other cases, however, they are on bail in all other cases and both the petitioner(s) have suffered the incarceration of more than 03 years and there are total 24 prosecution witnesses cited in the list of witnesses, out of which, 09 PWs have been examined till date and the trial is likely to take long time in conclusion.

7. *Per contra*, learned State counsel has filed separate custody certificates as well as status report by way of affidavit of Shivdarshan Singh, Assistant Commissioner of Police, West, Amrisar, today in the Court which are taken on record and he opposes the prayer made by learned counsel for the petitioner(s) on the ground that the petitioner(s) have actively participated in the alleged incident and they have attacked the son of the complainant in a determined manner, who suffered injuries on his head, which were declared dangerous to life, however, he could not controvert the fact that the petitioner(s) are in custody from

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the last more than 03 years and out of 24 PWs, only 09 PWs have been examined so far.

8. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner(s) are behind the bars from the last more than 03 years. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 24 prosecution witnesses, 09 PWs have been examined so far.

9. 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.

10. 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

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come into play.

11. 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.***

12. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI", (2022) 10 SCC 51***, with respect to prevailing conditions of undertrial prisoner in India has observed:

*"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and*

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*thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”*

13. Further keeping in view the law laid down by the Hon’ble Supreme Court of India in “***Prabhakar Tewari vs. State of U.P. and another***” 2020 (1) R.C.R. (Criminal 831) and “***Maulana Mohd. Amir Rashadi vs. State of U.P. and another***”, 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

14. Even the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner(s)-accused. Keeping the petitioner(s) in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

15. In view the discussion above, the present petitions are allowed. Accordingly, without commenting upon the merits of the case, the petitioner(s) namely Lovepreet Singh Labha and Jujhar Singh @ Hazara are ordered to be released on regular bail during pendency of the trial, on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/trial Court/Duty Magistrate.

16. 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.

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17. Both the present petitions seeking regular bail to the petitioner(s) are allowed solely on the ground of long custody already undergone by them and without commenting on the merits of the case, lest it may prejudice the outcome of the case pending before the learned trial Court.

18. A photocopy of this order be placed on the file of other connected case.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**03.04.2025**

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No