



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

SANDEEP SINGH @ BAU

CRM-M-17460-2026 (O&M)

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

1	The date when the judgment is reserved	29.04.2026
2	The date when the judgment is pronounced	30.04.2026
3	The date when the judgment is uploaded on the website	30.04.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment and reasons thereof.	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amardeep Singh, Advocate and
Mr. Penny Sachdeva, Advocate for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

MANISHA BATRA, J.

1. The instant one is the third petition filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for grant of regular bail in case arising out of FIR No.246 dated 14.09.2020 registered under Sections 302, 201 and 34 of IPC at Police Station Tarn Taran, District Tarn Taran. The first petition bearing CRM-M-15463-2023 was dismissed as withdrawn on 04.04.2024 and the second petition bearing CRM-M-



53594-2024 was dismissed by this Court on 20.03.2025 by making the following observations :-

The petitioners along with the co-accused Hari Singh are alleged to have committed the murder of the victim on the fateful night. The incident had been captured in the mobile phone of Amrit Pal Singh, who had turned approver and handed over the said video to the police. As per the post-mortem report, the victim was killed in a brutal manner since several injuries had been inflicted on his dead body. The mere fact that the petitioners have undergone certain period of incarceration by itself would not entitle them to be enlarged on bail, nor the fact that the trial is not likely to be completed in near future is sufficient for that purpose. Keeping in view of the nature of the accusations as levelled against him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The case rests upon circumstantial evidence. There is no eye-witness to the occurrence and there has been no evidence to connect him with the commission of subject offences. PW7 Amritpal Singh who had allegedly prepared a video of the occurrence and had handed over the



compact disk of the same, has resiled from his previous version. From his sworn deposition, it is clear that the video recording did not show the petitioner or any other accused as the assailant of the victim. The similarly situated co-accused Dhalwinder Singh @ Ramma has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. He is in custody since 20.09.2020. Trial will take considerable time to conclude. Each day spent by him in custody has furnished a new ground to him to seek concession of bail. It is, therefore, argued that he deserves to be extended benefit of bail and the petition deserves to be allowed.

3. Per contra, learned State counsel while relying upon the status report has argued that the previous petition filed by the petitioner had been dismissed by passing a detailed order. There is no substantial change in the circumstances and hence this petition is not maintainable. The allegations against the petitioner are serious in nature. Trial is going at a proper pace. The complainant has supported the prosecution version. It is, therefore, argued that the petition does not deserve to be allowed.

4. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

5. A perusal of the prosecution case would reveal that the same substantially rests upon the alleged extra-judicial confession made by co-accused Hari Singh before Sham Singh Rana and the statement of Amrit Pal Singh, who was projected as an approver. However, both these material



witnesses, while appearing before the learned trial Court as PW-5 and PW-7 respectively, have not supported the prosecution version and have resiled from their earlier statements. Sham Singh Rana has categorically denied that any extra-judicial confession was made before him, whereas Amrit Pal Singh has specifically denied that the petitioner or the co-accused were assaulting the deceased at the time of recording of the alleged video. Therefore, the prosecution evidence against the petitioner stands considerably weakened. Though as per the prosecution case the petitioner alongwith the co-accused Hari Singh had tied the victim with a *jamun* tree and had struck blows upon his person with a *datar* and the incident was captured in mobile phone of Amritpal Singh, however, the said Amritpal Singh has turned approver and has not supported the prosecution version at all. Even complainant Joginder Singh has not deposed about the involvement of the petitioner in the crime, though he has identified him in his sworn deposition. The petitioner is in custody since 20.09.2020 and only 10 prosecution witnesses have been examined so far. Meaning thereby that the chances of conclusion of trial in the near future are bleak. This factor in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming



to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Therefore, keeping in view the period of custody already undergone by the petitioner, the slow pace of trial and the nature of evidence presently available on record, this Court is of the considered view that continued detention of the petitioner would not serve any useful purpose. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case and if it appears that it is on account of any act and conduct of the petitioner that further delay is being caused in the conclusion of the trial and further subject to his abiding by the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.



(ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.

(iii) The petitioner shall appear before each and every date of hearing.

(iv) The petitioner shall provide his permanent address as well as present address before the learned trial Court at the time of furnishing of bonds and shall not change the same without informing the trial Court.

(v) The petitioner shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court at the time of furnishing of bonds and in case, any change in his mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance and shall keep his mobile phone switch on all times.

(vi) The petitioner shall deposit his passport, if any, with the learned trial Court.

6. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.



8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

30.04.2026
Amit Sharma

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No