IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CNR No: PHHC010864902026
2026:PHHC:128658

CRM-M-29235 of 2026 (O&M)
220 Date of Decision:11.09.2026

Tarsem Singh

..Petitioner

Versus

State of Punjab

..Respondent

Sr. No.	Particular	
1.	The date when the judgment is reserved	09.09.2026
2.	The date when the judgment is pronounced	11.09.2026
3.	The date when the judgment is uploaded on the website	11.09.2026
4.	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment and reasons thereof	Not applicable.

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Argued by: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Mr. Sukhbeer Singh, DAG Punjab.

SHALINI SINGH NAGPAL, J.

1. Petitioner seeks regular bail in case vide FIR No. 123 dated 09.11.2024, under Sections 103(1), 346, 3(5) of BNS, Police Station Bhikhiwind, District Tarn Taran. This is the first petition seeking regular bail.

2. FIR was recorded on statement of Mandeep Singh son of Tarsem Singh. He stated that on 05.11.2024, his statement was recorded and action under Section 194 BNS was taken. That day, on 09.11.2024, Mohanbir Singh son of Lakha Singh, informed that that day, at around 4:30

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p.m., Tarsem Singh son of Balvir Singh and Jarnail Singh @ DC son of Gurbachan Singh, were taking his father on a red *passion* motorcycle without number plate. Complainant stated that he was convinced that his father was murdered by above persons, out of greed for money by strangulation, after which he was thrown in the dry drain near Sur Singh on the way from Puhla to Sur Singh. FIR was accordingly registered, petitioner and co-accused Jarnail Singh were arrested on 09.11.2024. Motor cycle was recovered from their possession. During interrogation, Tarsem Singh suffered disclosure statement that he was addicted to drugs and had come in contact with Jarnail Singh @ DC. Tarsem Singh was retired from FCI and had money. Left side of his body was not working. On 05.11.2024, he and Jarnail Singh, decided to snatch money from Tarsem Singh. They took him on a motor cycle to Pula Kacha road where they tried to snatch money from him and a fight ensued. He and Jarnail Singh put a cloth around his neck and strangulated him, due to which he died. Out of fear, they threw his dead body in the river. Pursuant to the disclosure statement, Tarsem Singh got recovered *Parna* used by him at the time of commission of offence. Engine number and chasis number of the motorcycle was found tampered and offence under Section 346 BNS was added. Final report was presented in the case.

3. Learned counsel for the petitioner submits that in the first information to the police, no allegation of murder was levelled, nor petitioner was named. Name of the petitioner figured for the first time after 4 days, in statement of the complainant. Petitioner had no enmity with deceased. There was no direct eye witness account of the occurrence. Challan had already been presented. Out of 16, only 2 prosecution witnesses

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were examined. PW-1 Mandeep Singh and PW-2 Paramjit Kaur recorded during the trial, did not witness the occurrence and deposed on the basis of suspicion. Death occurred when deceased fell into the canal on account of paralysis. Petitioner, who was in custody w.e.f. 9.11.2024, thus, deserved to be enlarged on regular bail.

4. Learned State counsel has opposed the prayer for regular bail submitting that even though the case was based on circumstantial evidence, petitioner was named in the first information report. Mandeep Singh had seen him and Jarnail Singh taking deceased on a red motor cycle. Pursuant to his disclosure statement, he got recovered the *parna*, used for commission of offence. Therefore, considering the serious nature of allegations and gravity of charge, petitioner was not entitled to the concession of regular bail.

5. In the first report to the police, complainant did not express any suspicion against the petitioner. The death was reported to be natural or accidental. FIR was registered after 4 days alleging that petitioner with co-accused was last seen with the deceased. Petitioner along with co-accused are alleged to have strangulated the deceased with *Parna.* However, the cause of death is not yet forthcoming on record. Petitioner has clean antecedents. He is in custody for the last almost 1 year and 9 months. Out of 11, only 2 witnesses have been examined.

6. Speedy trial has now been recognised as a facet of right to life under Article 21 of the Constitution of India. Prolonged custody of an accused and delay in trial entitles him to bail. Law in this regard has been settled by Hon'ble the Supreme Court of India in ***Sagar Ashok Satkar Versus The State of Maharashtra, Crl. Appeal No. 2870 of 2024 decided on***

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12.07.2024; *Nilesh Vithoba Gadade Versus The State of Maharashtra and another, Crl. Appeal No.3040 of 2025 decided on 18.07.2025* and *Balwinder Singh Versus State of Punjab and another Special Leave to Appeal (Criminal) No. 8523 of 2024 decided on 09.09.2024.*

7. Case is based on circumstantial evidence. There is no reason to suspect that petitioner would evade the trial or tamper with evidence. Conclusion of trial and its speedy disposal is not in sight. Prolonged incarceration of petitioner violates his fundamental right of life and personal liberty guaranteed by Article 21 of the Constitution of India. In the light of governing principal of laws, further detention of the petitioner is not warranted, given his clean antecedents and fixed abode. In facts and circumstances of the case but without commenting on merits, petitioner is ordered to be released on regular bail subject to his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate.

All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

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Whether speaking/reasoned : Yes
Whether reportable : No

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