



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

222

**CRM-M-6710-2025
Date of decision: 12.05.2025**

SANDEEP SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr.J.S. Dadwal, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner – Sandeep Singh, who has been booked for having committed the offence punishable under Sections 307, 323, 325, 148, 149 of IPC, in FIR No. 292, dated 22.11.2018, registered at Police Station City Jagraon, District Ludhiana Rural.
2. Noticing the earlier bail order dated 11.02.2019, passed by the Court of Sessions, following order was passed on 12.03.2025 by this Court, which is reproduced hereunder:-

“1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner – Sandeep Singh, who has been booked for having committed the offence punishable under Sections 307, 323, 325, 148, 149 of IPC, in FIR No. 292, dated 22.11.2018, registered at Police Station City Jagraon, District Ludhiana Rural.

2. In the present case, substantive argument raised by counsel for the petitioner is that, vide order dated 11.02.2019, Court of Ld. Addl. Sessions Judge, Ludhiana, had granted regular bail to the petitioner by observing as under:-



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“5. After giving my careful and thoughtful consideration to the rival contentions and on careful perusal of averments of application, contents of FIR coupled with the duly assistance rendered, the Court is of the considered view that present bail application merits acceptance. Perusal of record reveals that present case has been registered on the complaint of Dev Raj on the allegations that on 20.11.2018 at about 8.30 P.M. one unknown person came to him and demanded his phone, to which complainant refused. On this, that person went back and after 10 minutes, that person came back while carrying one iron pipe in his hand and he was accompanied by 9-10 other persons armed with iron rods, baseball bats and they started giving beatings to the complainant.

From the perusal of record, it come into my notice that the present accused/applicant is in judicial custody since 03.12.2018. The presentation of challan and thereafter conclusion of trial is likely to take considerable time. Therefore, no useful purpose will be served if the present accused/applicant will be detained behind the bars any more. As per the guidelines laid down by Hon'ble Apex Court in case titled as “Sanjay Chandra Vs. CBI 2012(1) SCC 40”, it has been made abundantly clear that the object of bail is to secure the presence of the accused person at the trial. The object of bail is neither punitive nor preventive. The jurisdiction to grant bail has to be exercised on the basis of well settled principles having regard to the circumstances of the case, the nature of accusation, the evidence to be led in support thereof, the severity of punishment, the character and behaviour of the accused, reasonable apprehension of tampering with the evidence, reasonable possibility of securing the presence of accused during the trial, the larger interest of public and state. Thus, when the above said yardstick are applied to the case in hand, the court finds merit in the submissions put forth by the learned counsel for the applicant. Thus, taking into the totality of the facts and circumstances of the present case, the bail application is hereby allowed. The criminal liability, if any against the applicant, can be determined after holding the regular trial. As such no useful purpose will be served by keeping the applicant behind the bars for an indefinite period. The applicant/accused is hereby admitted to bail on his furnishing bail bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of learned Illaqa/Duty Magistrate/Trial Court with the directions that the present applicant shall not leave the country without the prior permission of the court and shall not tamper with the prosecution evidence to this slightest.”

3. Subsequent thereto, petitioner was declared proclaimed offender. However, he was arrested again on 19.01.2024, and since then, again petitioner is inside jail.

4. Court is informed that petitioner after getting concession of regular bail vide order dated 11.02.2019, he absented himself from the court proceedings for about five years and it had caused delay in the proceedings. It is because of the petitioner, trial has not even commenced till now.

5. On the other hand, counsel for the petitioner points out that after re-arrest of the petitioner, he is inside jail since 19.01.2024 and cannot be kept behind bars for indefinite period. Thus, prays for grant of concession of regular bail to the petitioner.

6. Adjourned to 12.05.2025.

7. Meanwhile, trial Court would ensure that the evidence of the material witnesses including the complainant/injured be recorded and informed to this Court on or before the next date of hearing.”



3. It is informed that in compliance to the directions passed by this Court, the statement of all the witnesses have been recorded.

4. In view of the facts recorded by the learned Trial Court in the order dated 11.02.2019, and considering that all material witnesses have been examined, as well as the fact that the petitioner was previously granted bail just two months after his initial incarceration, it is further noted that, he has now been in custody since 19.01.2024 (as per the custody certificate petitioner is inside the jail since 22.01.2024), I deem it appropriate to grant the concession of bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

5. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

6. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

7. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

8. Petition stands disposed of.

12.05.2025
amandeep

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No