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

**CRM-M-14440-2025 (O&M)**

**Reserved on : 12.05.2025**

**Pronounced on : 14.05.2025**

**Harjot Singh @ Jota**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Manveen Kahlon, Advocate and  
Mr. Vipul Kansal, Advocate  
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

**MANISHA BATRA, J.**

1. The instant one is the second petition that has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 4 dated 26.01.2023, registered under Sections 457, 379(B)(2), 427, 506, 148 and 149 of IPC (Sections 201, 411 and 395 of IPC added later on) at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur. The previous petition bearing **CRM-M-42622-2023** was dismissed as withdrawn on 04.01.2024.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the statement of complainant Love Kumar alleging therein that on 25.01.2023, at about 8:55 PM, he was present in his shop, when the petitioner reached over there along with 5-6 other persons, all of whom were armed with deadly weapons. The petitioner and his accomplices took cash amount of Rs.70,000/Rs.80,000/- kept in the cash box of the shop. They also caused damage to CCTV cameras and car of the

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complainant and extended threats to him. The occurrence was also witnessed by father of the complainant. The complainant raised clamour and thereafter, the petitioner and co-accused fled away from the spot while leaving their Bolero vehicle outside his shop. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 20.02.2023. Co-accused were also arrested. Investigation now stands completed and the petitioner along with co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He is in custody since 23.02.2023. Charges in this case were framed on 02.03.2024 but not even a single witness has been examined so far, despite expiry of a period of more than two years. On account of prolonged trial, the petitioner has become entitled to be released on bail. There was delay of 24 hours in reporting the matter to the police. Even otherwise, his co-accused Navjot Singh and Prince have already been granted concession of regular bail by this Court, vide orders dated 28.08.2023 and 05.01.2024 passed in **CRM-M-40046-2023** and **CRM-M-56711-2023**, respectively. On the ground of parity, the petitioner too deserves the same benefit. It is further argued that the trial is likely to take a long time to conclude. The involvement of the petitioner in some other cases cannot be made a reason for denying him the benefit of bail. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner, who was not only

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named in the FIR but just after the occurrence of this case, he had committed a similar offence in the same vicinity and on the complaint of Pargat Singh, another case bearing FIR No. 3 dated 25.01.2023 had been registered against him. The petitioner is a habitual offender and has been convicted in some cases. There are chances of his absconding or intimidating the witnesses, if released on bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The petitioner along with co-accused is alleged to have barged into the shop of the complainant on 25.01.2023 and is further alleged to have taken an amount of Rs.70,000/Rs.80,000/- kept in the cash box of the shop. They are also alleged to have caused damage to CCTV cameras and car of the complainant, apart from extending threats to the complainant. The petitioner is in custody since 23.02.2023. Investigation has since been completed and challan has been filed. However, despite framing of charges on 02.03.2024, no prosecution witness whatsoever has been examined so far, which shows that the trial is substantially delayed. Co-accused of the petitioner have already been granted concession of regular bail by this Court, as mentioned above. Although, the petitioner is shown to be involved in some other cases but that cannot be made a ground for refusing him the benefit of bail, especially in view of the fact that the trial would take a considerably long time to conclude. It is well settled law that an inordinate delay on the part of the Court or the prosecution violates Article 21 of the Constitution, more particularly when the accused person is under incarceration. Reliance in this regard can be placed upon *Satender Kumar Antil vs. Central Bureau of Investigation and another*, 2022(10) SCC 51.

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Keeping in view the aforesaid facts and circumstances of the case, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal bonds and two sureties to the satisfaction of the trial Court/Duty Magistrate concerned. His release on bail shall further be subject to following conditions:

- (i) He shall mark his presence before the SHO of the police station concerned at 11:00 AM on first Monday of every month till conclusion of trial;
- (ii) He shall not directly or indirectly make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) He shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. 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.

14.05.2025  
*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |