



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

CRM-M No.18437 of 2025 (O&M)

Reserved on: 17.10.2025

Date of Decision: 31.10.2025

Charanjit Singh @ Happy

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Mr.Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 397, 392, 473, 489, 201, 411, 34 of IPC and Sections 25 and 27 of Arms Act, the FIR No.153 dated 06.05.2022, has been lodged in Police Station Maqboolpura, District Amritsar. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is second petition seeking for grant of bail, under Section 483 of BNSS.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on the statement of complainant Vijay Kumar, Branch Manager, Central Bank of India, GT Road, Amritsar. It was stated by the above named complainant that on 06.05.2022 at about 12.25 P.M. when he was working in the bank, four unknown persons, wearing masks on their faces



and armed with fire arms i.e. rifles and pistols, entered in the premises of bank and on gun point forced the bank employee to sit on the floor and snatched their mobile phones. According to complainant, from the cash counter they forcibly took away cash worth Rs.4,73,309/-, and thereafter, forced the Assistant Bank Manager Sanwinder Singh to open the safe and took away Rs.99,500/- from the safe.

3. It is the case of the prosecution that on the basis of above mentioned statement formal FIR of this case was lodged and the investigation taken up. According to prosecution, during the course of investigation on the basis of secret information the petitioner Charanjit Singh alongwith his co-accused, was arrested and on interrogation he and his co-accused suffered the disclosure statements. It has also been argued by the learned State counsel that from possession of petitioner .32 bore pistol along with two live cartridges were recovered.

4. Heard.

5. It has been contended by the learned counsel for the petitioner that this is the second bail petition moved by the petitioner and that first petition for bail was withdrawn about 1 year and 3 months back i.e. on 11.07.2024. According to learned counsel for the petitioner no order on merit in the previous petition was passed. In addition to above, the learned counsel for the petitioner has also argued that the petitioner is innocent and he has been falsely implicated in the present case, merely, on the basis of confessional statement of the petitioner, which was recorded when the petitioner was in police custody.



According to learned counsel for the petitioner there is a very strong doubt with regard to admissibility of above mentioned confessional statement in the evidence.

6. It has also been argued by learned counsel for the petitioner that the petitioner has already suffered a lot of incarceration for being in custody for a period of more than 2 years and 08 months, and that the trial is not likely to be concluded in near future as out of 26 witnesses, cited in the list of witnesses, only 3 have been examined, so far. It has also been contended by learned counsel for the petitioner that the bank manager and the cashier who have been examined by the prosecution have not supported the prosecution case with regard to identity of petitioner.

7. Per contra, the learned State counsel has argued that the petitioner is involved in a serious offence, like committing bank robbery and that he does not have clean antecedents. The learned State counsel has also argued that from the date of dismissal of former bail petition no significant change in circumstances has taken place, and therefore, the second petition for bail is not maintainable.

8. The record has been perused carefully.

9. A perusal of record shows that there are several other factors which are required to be taken into consideration at this stage. They are:-

- i) that former bail application was dismissed as withdrawn, and it was never decided on merits;
- ii) that in the last more than 15 months, i.e. from the date of



dismissal of former bail petition, no significant progress in trial has taken place, as out of 26 only 3 witnesses have been examined so far;

- iii) that nothing is left to be recovered from the possession of the petitioner;
- iv) that the trial of the case is not likely to be concluded in near future;
- v) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;
- vi) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence, or influence the witnesses.

10. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of “***Dataram versus State of Uttar Pradesh and another***”, 2018(2) R.C.R. (Criminal) 131, has observed that “a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever



expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

11. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘**Satender Kumar Antil Vs. Central Bureau of Investigation and Another**’, **2022 LiveLaw (SC) 577**, are also relevant in this case. In the abovementioned case, it has been observed that “*the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice*”.

12. Therefore, to elucidate further, this Court is conscious of the basic



and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in “*Balwinder Singh versus State of Punjab and Another*”, SLP (Crl.) No.8523/2024.

13. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail and the present petition deserves to be allowed.

14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from closing such facts to the Court or to any other authority;
- ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final disposal of the case; and
- iii) that the petitioner shall not leave India without prior permission of the trial Court.

15. In case, the petitioner violates any of the conditions mentioned



above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

31.10.2025
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No