

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

CRM-M-27439-2025
Reserved on: 01.09.2025
Pronounced on: 24.09.2025

Kapil Kaundal

...Petitioner

Versus

U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Deepak Sabherwal, Advocate,
Ms. Ruchika Sabherwal, Advocate,
Mr. Pankaj Kundra, Advocate and
Mr. Jasdeep Singh Salooja, Advocate
for the petitioner.

Mr. Arav Gupta, APP, U.T., Chandigarh.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
21	19.02.2025	Sector 11, Chandigarh	341(3) BNS (Sections 316(5)/318/ 320/323/61(2) BNS added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from translated version of FIR, Annexure P-1, which reads as follows:

“To, The In charge, Police Post, PGIMER, Chandigarh. SUB: Handing over a suspected Person with fake Stamps, Madam, 1. Today at about 3:30 pm Sunpreet, Mob. No-7973302965) Who is working in the Amrit pharmacy of PGIMER brought a suspected person Raman in the security Control room on the suspicion as he was found using 'Aushman Bharat Indent Book of The UROLOGY Ward of PGIMER. 2. On physical Check-up of Mr. Raman in the SCR, an "Aushman Bharat Indent Book of urology ward of PGIMER and 08 (Eight) Stamps of Nursing officer senior Resident Aushman Bharat Himcare Pharmacy. were found in his possession (list of stamps. attached with this letter) 3. From police chowki PGIMER Senior Constable Mr.Rahul and Maninder reached in the SCR and the suspected person Mr

Raman along with "Aushman Bharat Indent Book and 08 Stamps were handed over to them. 4. You are requested to verify the credentials of this Suspected person and source of the indent Book and Stamps. And take necessary action as per law. 5. Your cooperation is highly solicited in this regard. Thanking you. Date 18 Feb 2025, Yours sincerely, (BS Rawat), Assistant Security Officer Security Control Room PGIMER, Chandigarh."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

"3. That the petitioner is working as data entry operator in HP Swasthya Bima Yojana Society Counter at PGIMER Chandigarh. Hence the petitioner is having full data of patient who registered under HIMCARE scheme.

4. That during investigation of case it is unravelled that the petitioner gave all the details of patients registered under HIMCARE scheme to co-accused Durlabh, who is running a chemist shop at PGIMER by name of "BROTHERS CHEMIST". The petitioner along with said Durlabh and Balram prepare the forged medical card of HIMCARE patients using forged stamps of PGI various department. Said fake treatment and forged card were used for getting medicine from Amrit Pharmacy from PGI, through co-accused Balram, Raman and Rahul who were working with Amrit Pharmacy.

5. That since the HIMCARE patients are entitled to get medicine at highly concessional rates, the said fake treatment and forged medical card were used for purchase of medicine from Amrit Pharmacy at concessional rate and same were delivered to co-accused Durlabh who would sell the same at market rate to public and thus enjoy huge profit. In the said process co-accused Durlabh gave 15% commission to petitioner and other co-accused.

6. That during the investigation, co-accused Balram was arrested on 06.03.2025 and from him 8 stamps seals, 4 indent books and medicine worth approx. Rs 48,00,000/- (Forty Eight Lakhs) were recovered. Further the investigating officer also recovered 6 invoices from said Balram. The said 6 invoices belong to HIMCARE patients. Copies of said bills are marked as Annexure. Annexure R/1. The perusal of the aforesaid bills categorically show

involvement of the petitioner in the present case. Hence the allegation are serious in nature.”

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

9. Per paragraph 06 of the bail petition, the petitioner has been in custody since 12.03.2025. Per the custody certificate dated 01.09.2025 the petitioner's total custody in this FIR is 05 months and 21 days.

10. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

11. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

12. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official

¹ Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴ Supreme Court of India in Babu Singh & ors v. State of UP, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in Sanjay Chandra v. CBI , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

webpage.

13. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

14. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

15. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

16. This order is subject to the petitioner’s complying with the following terms.

17. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

18. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner’s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

19. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of

imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

20. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

21. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025), in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

22. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

24.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.