



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-28615-2025 (O&M)
Decided on : 13.11.2025

Vajinder Singh alias Gill

. . . Petitioner(s)

Versus

UT, Chandigarh

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sumit Sangwan, Advocate
for the petitioner(s).

Mr. Manish Bansal, PP, UT Chandigarh.

SANJAY VASHISTH, J. (Oral)

CRM-43055-2025

I. Present application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking permission to add/incorporate Sections 367 and 397 IPC and to delete Sections 364-A and 386 IPC from the headnote as well as from the prayer clause of the main petition, i.e. CRM-M-28615-2025.

II. In view of the averments made in the application, the same is allowed. Accordingly, Sections 367 and 397 IPC are ordered to be added, and Sections 364-A and 386 IPC are ordered to be deleted from the headnote and prayer clause of the main petition (CRM-M-28615-2025). The Registry is directed to carry out necessary corrections accordingly.

III. Application stands **disposed of**.

**CRM-43056-2025**

I. This application under Section 528 of the BNSS, 2023 has been filed for placing on record the interim orders of the trial Court dated 19.05.2025 to 01.10.2025, as Annexure P-11.

II. Allowed as prayed for. The interim orders (Annexure P-11) are taken on record, subject to all just exceptions. Office to tag the same at the appropriate place.

III. Application stands **disposed of**.

CRM-M-28615-2025

1. The present petition has been filed under Section 483 of the BNSS, 2023 (earlier Section 439 Cr.P.C.), seeking regular bail in case FIR No. 140, dated 06.08.2023, under Sections 365, 386, 420, 506, 120-B of IPC and Sections 364A, 389 of IPC added later on, registered at Police Station Sector 39, U.T. Chandigarh.

2. Earlier, the petitioner's first bail petition was dismissed by a Coordinate Bench of this Court vide order dated 09.04.2024, passed in CRM-M-58547-2023, titled as, "*Vajinder Singh @ Gill v. State of U.T. Chandigarh*" (Annexure P-8). Thereafter, second bail petition was dismissed as withdrawn vide order dated 06.02.2025 passed in CRM-M-50490-2024, titled as "*Vajinder Singh @ Gill v. State of U.T. Chandigarh*" (Annexure P-9).

3. Learned counsel for the petitioner contends that there were seven accused in total, out of whom four, namely (i) Naveen Kumar @ Naveen Phogat, (ii) Shiv Kumar, (iii) Virender, and (iv) Parveen Shah @ Parveen Kumar, have already been released on bail, while the remaining



three accused have been declared proclaimed offenders. Thus, out of the arrested accused, the petitioner alone remains in custody, where he has been confined for a period of more than two years and three months.

4. It is further argued that the petitioner has been falsely implicated to shield the real culprits. One Jitender, who played an identical role by allegedly calling the complainant to the place of occurrence, has been cited as a prosecution witness without any formal grant of pardon or approval. Learned counsel points out that the main accused, *Naveen Kumar @ Naveen Phogat*, who was the Acting Station House Officer (SHO) at Police Station Sector 39, Chandigarh, is in fact the mastermind of the alleged offence. A sum of ₹75,00,000/- out of the total ₹1.01 crore of the alleged snatched amount has already been recovered from him, and he too has been released on bail vide order dated 28.08.2024, passed in CRM-M-27038-2024, titled as “*Naveen Kumar @ Naveen Phogat v. State of U.T. Chandigarh*” (Annexure P-4).

5. During the course of hearing, it has also been pointed out that out of the total seven accused, three are police officials, namely (i) Naveen Kumar @ Naveen Phogat, (ii) Shiv Kumar, and (iii) Constable Virender, and all of them have already been granted bail. It is contended that since the major portion of the alleged amount has been recovered and the petitioner has remained in custody for more than two years and three months, there is no likelihood of the trial concluding in the near future, as out of 29 prosecution witnesses, only nine have been examined so far. On these grounds, learned counsel prays for the grant of regular bail to the petitioner.



6. On the other hand, learned Public Prosecutor, U.T. Chandigarh, has filed the custody certificate dated 12.11.2025, which is taken on record, subject to all just exceptions. Office to tag the same at the appropriate place. A copy thereof has been supplied to learned counsel for the petitioner.

7. While opposing the prayer for bail, learned Public Prosecutor submits that the petitioner is a main conspirator and that his role is serious and central to the alleged offence. It is argued that mere reliance upon prolonged custody and slow progress of trial cannot justify the grant of bail in such a grave matter. However, learned Public Prosecutor fairly concedes the other factual assertions made here-above.

8. I have heard learned counsel for the parties and perused the material available on record.

9. Undisputedly, the petitioner is **not involved in any other criminal case** apart from the present one. Out of the total alleged snatched amount of **₹1.01 crore**, a substantial sum of **₹75,00,000/-** has already been **recovered** from co-accused *Naveen Kumar @ Naveen Phogat*, who was also one of the **principal accused** and has since been released on bail. It is not in dispute that **three police officials** are among the accused, all of whom have already been enlarged on bail by the Coordinate Benches of this Court.

Considering the **total custody period of two years, three months and two days (as on 12.11.2025)**, the **absence of any prior criminal record**, and the **slow pace of trial** (with only nine out of twenty-nine witnesses examined so far), this Court finds **no justifiable reason to continue the petitioner's detention for an indefinite period**. Accordingly, this Court finds merit in the prayer made.



Consequently, the present petition is **allowed**. The petitioner is ordered to be **released on regular 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.

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

11. Any of the discussion done and recorded here-above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

12. Petition stands **disposed of**.

Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

November 13, 2025

J.Ram

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