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

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CRM-M-33383-2025 (O&M)
Date of decision : 19.12.2025

Sarabjit Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sandeep Kumar, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 346 dated 20.11.2023 registered under Sections 420, 406, 467, 468 and 471 of IPC (Section 13 of the Punjab Travel Professional Regulation Act added later on) at Police Station City Rajpura, District Patiala. The previous petition was dismissed by this Court on 13.11.2024.

2. As per the allegations, the petitioner and his wife Sukhbir Kaur, who were running an immigration consultancy service under the name of KIWI Immigration Pvt. Ltd., had induced the complainant Parmveer Singh and his brother, who were also running an immigration business, by representing that they owned a transport company under the name of Sandhu Transport in Canada and had been settling several persons therein. On being so induced, the complainant and his brother started recommending their own clients to the petitioner and his wife. The petitioner and his wife induced the complainant

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and his brother to part with a sum of Rs.30 Lakhs on the pretext of settling him abroad but nothing of that sort was done by the petitioner. On demand of return of money, the petitioner and co-accused started threatening the complainant. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 03.02.2024. Investigation now stands completed and challan has been filed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Since the date of dismissal of his first petition, a considerable time of more than one year has passed and the trial is not progressing as even charges have not been framed so far. He is in prolonged incarceration, which entitles him to file a second petition and seek concession of bail. The subject offences are triable by Magistrate. His continued incarceration would not serve any useful purpose as apparently, the conclusion of trial would take a long time. His involvement in other cases cannot be made a ground for denying him the benefit of bail in the given circumstances. Even otherwise, he is on bail in most of the cases registered against him. It is, therefore, argued that he deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. It is argued by learned State counsel that the previous petition filed by the petitioner had been dismissed by this Court by passing a detailed order after taking into consideration the contentions raised by both sides. No new change in the circumstances has been pointed out. The mere extended period of incarceration alone is not sufficient to grant benefit of bail to the petitioner. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

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6. The petitioner is in custody since 03.02.2024. Though the allegations *prima facie* make out a case against the petitioner for commission of subject offences, however, on going through the status report, it is revealed that the trial is substantially delayed as despite the fact that challan was presented on 24.04.2024, even charges have not been framed so far. It goes to show that conclusion of trial would obviously take a long time. The petitioner is in custody since 03.02.2024. He is shown to be on bail in most of the cases registered against him. It is also required to be noted that every day spent by an accused in custody provides a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. Keeping in view the aforesaid facts and circumstances, this Court is 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 surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.

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- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times and shall also appear before the SHO/IO on the first Monday of every month at 11:00 AM.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.
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.

19.12.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

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