



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M No.41617 of 2025 (O&M)
Date of Decision: 19.11.2025

Ashu

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Ms. Meera, Advocate-Legal Aid Counsel
for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 379-B and 411 IPC, the FIR No.321 dated 30.08.2022, has been lodged in Police Station City Ferozepur. 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 under Section 483 of BNSS. This is first petition for grant of bail.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Rakesh Aggarwal' hereinafter being referred to as 'complainant'. It was stated by the complainant that on 30.08.2022 at about 4.00 P.M. his daughter namely 'Vanshika' along with her friend was going to attend tuition on her Activa, and that on the way when she was attending a call, while sitting on the back seat of above mentioned two wheeler, two youth riding on a motorcycle came on a Splendor motorcycle



snatched the mobile phone of his daughter and ran away from the spot. It is the case of the prosecution that on basis of above mentioned information formal FIR was lodged, and the investigation taken up. As per prosecution during the course of investigation the accused was arrested and from their possession the stolen mobile phone was recovered.

3. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. However, no formal reply has been filed by the State. The learned State counsel has opted to oppose the present petition orally, only.

4. Heard.

5. It has been contended on behalf of petitioner that petitioner has been falsely implicated in the present case and that he has already suffered a long incarceration for being in custody for a period of almost 11 ½ months. According to learned counsel for the petitioner nothing is left to be recovered from the possession of petitioner, and therefore, his detention is not likely to serve any purpose. While claiming that by long incarceration the fundamental right of petitioner is being violated, it has been contended by learned counsel for the petitioner that in the given fact-situation the petitioner is entitled for the benefit of bail.

6. Per contra, the learned State counsel has argued that allegations against the petitioner in the present case are with regard to an offence which is serious in nature, and that trial in this case is not likely to be concluded in near future as only 1 witness is left to be examined. As per learned State counsel the petitioner has criminal antecedents and therefore, he is not entitled for the benefit of bail.



7. The record has been perused carefully.

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

- i) that the trial is still at the stage of prosecution evidence;
- ii) that the petitioner has already suffered incarceration for a period of almost 11 ½ months;
- iii) that nothing is left to be recovered from the possession of the petitioner;
- iv) that detention of the petitioner in judicial lock up is not likely to serve any purpose;
- v) 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;
- vi) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate in the trial;
- vii) that the trial of the case is not likely to be concluded in near future.

9. With regard to the legal aspect involved in the instant case, the principles of law laid down by the Hon'ble Supreme Court in the case of ***"Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131***, are relevant, wherein it has been 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”.

10. 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”.

11. Recently, in the case of ‘***Tapas Kumar Palit Vs. State of Chhattisgarh***’, **2022 INSC 222**, the Hon’ble Supreme Court of India has observed that “*if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed*”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “*delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently*”.

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 that 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 his 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 decision of the trial; 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

19.11.2025
Manoj Bhutani

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