

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

CRM-M-42618-2025
Reserved on: 10.09.2025
Pronounced on: 24.09.2025

Varinder Singh @ Bindri ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
61	29.03.2025	Talwandi Sabo, District Bathinda	111 BNS (Section 317(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. Per paragraph 9 of the bail application and paragraph 10 (E) of status report, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	18	23.02.2024	21B of NDPS Act	Talwandi Sabo, District Bathinda

3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

“Copy of Ruga "Chief Officer Police Station Talwandi Sabo Pateh, today, I along with, Desh Raj 52/Bathinda, LSC Gagandeep Kaur 1926, PHG Harbans Singh 22431, PHG Gurcharan Singh 221318, along with a laptop printer operated by Desh Raj 52/Bathinda, on private vehicle which was driven by me, in connection with patrolling duty and checking suspicious men were present near Dashmesh School Bridge. It must have been around 07.30 AM of clock. When secret informer personally came to me and gave information that Varinder Singh alias Vimpy, son of Puran Singh, resident of Natt Road, Talwandi Sabo, Jaskaran Singh alias Gosha, son of Gurjant Singh, resident of Bhagi Wandar and Varinder Singh alias Bindri, son of Naib Singh, residents of Mahinangal, Talwandi Sabo district Bathinda, who are addicted to selling drugs, against whom several cases have been registered for selling drugs and committing crimes being armed with deadly weapons, who can still be caught on Natt Road armed with their deadly weapons

while robbing passers. this information is solid and reliable, that Varinder Singh alias Vimpi son of Puran Singh resident of Natt Road, Talwandi Sabo, Jaskaran Singh alias Gosha son of Gurjant Singh resident of Bhagi wandar and Varinder Singh alias Bindri son of Naib Singh resident of Mahinangal, district Bathinda, committing such an offense fulfills the definition of the crime under section 111 BNS. Therefore, a ruqa regarding registered fir against the above-mentioned Varinder Singh alias Vimpi son of Puran Singh resident of Natt Road, Talwandi Sabo, Jaskaran Singh alias Gosha son of Gurjant Singh resident of Bhagi Wandar and Varinder Singh alias Bindri son of Naib Singh resident of Mahinangal district Bathinda, is sent through PHG Gurcharan Singh 22138 to register a case at police station. The case should be registered and the case number should be informed. DCR and officers should be informed. I informed my accompanies and leave for the place mentioned by the informant.”

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:

“B. The evidence against the petitioner.

It is submitted that the evidence against petitioner Varinder Singh alias Bindri is only solid and reliable secret information.

C. The role of the petitioner.

It is submitted that the petitioner Varinder Singh alias Bindri and his co-accused persons, involved in the present case FIR, are drug addict and habitual offenders. On dated 29.03.2025, a secret information was received by ASI Randhawa Singh that the present petitioner along with his associates, while armed with deadly weapons were robbing passersby in the area of Natt Road, Talwandi Sabo.

D. The recovery from the petitioner, if any.

It is submitted that as per record, the petitioner Varinder Singh alias Bindri had not been recovered any weapon used by him in occurrence to the investigating officer being clever and cunning one.”

8. Except the secret information, there is no cogent evidence against the petitioner. Nothing was recovered. As per para 11 (E) of status report, only one case is pending against the petitioner, as such he was a member of organized gang is a matter of evidence. 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 6 of the bail petition, the petitioner has been in custody since 29.03.2025. Per the custody certificate dated 09.09.2025, the petitioner's total custody in this FIR is 03 months and 18 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.¹In 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 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

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.

²Supreme 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.

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, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, 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.

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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.