



CRM-M-43732 of 2025

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

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CRM-M-43732 of 2025
Date of Decision: 27.08.2025

Vikram Sanyal @ Vicky Sanyal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Satvir Mander, AAG, Punjab.

Mr. G.S. Bhangu, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.83 dated 01.06.2025 registered under Sections 326(g), 3(5), 351(2) and 62 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Civil Lines, District Amritsar.

2. Brief facts of the present case are that as per the prosecution, the petitioner in connivance with co-accused Shiv Kumar tried to commit mischief by burning the shop of the complainant because of previous enmity between them.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that the petitioner



has nothing to do with the said incident and has clean antecedents. The petitioner is in custody since 01.06.2025. He further submits that the trial may take a long time to conclude and no useful purpose would be served by keeping him behind the bars. He has also submitted that with the intervention of the members of the society, the parties have decided to bury their past disputes and compromised the matter with each other. Further, co-accused Shiv Kumar has already been granted the concession of bail by the trial Court. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the status report in the matter and while referring to the same, has vehemently opposed the prayer for grant of bail on the ground that the allegations levelled against the petitioner are serious in nature. He further submitted that he is not aware about the factum of compromise if any between the parties. However, he has duly acknowledged that the petitioner is in custody for more than 2½ months.

5. At this stage, learned counsel for the complainant has appeared and does not dispute the factum of compromise and supports the prayer for bail.

6. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

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7. Having heard learned counsel for the parties at length and after perusing the record of the case, it is found that the petitioner is in custody for the last more than 2½ months and the trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody especially when a compromise has been effected between the parties. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

27.08.2025*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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