

2025:PHHC:160605



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

**CRM-M No.46822 of 2025
Date of Decision: 19.11.2025
Reserved on: 07.11.2025**

Jatinder Singh @ Fauji

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bipan Ghai, Senior Advocate,
with Mr. Nikhil Ghai, Advocate and
Mr. Malini Singh, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The petitioner is seeking indulgence of this Court by filing the present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail in case arising out of FIR No.63 dated 06.04.2024 registered under Sections 406, 420, 467, 468, 471 and 120-B of IPC and Section 24 of Immigration Act at Police Station Khanna City-2, District Khanna, on the the basis of a complaint lodged by the complainant Reena alleging therein that she had been duped of a sum of Rs.4,52,000/- lakhs on the premise of sending her daughter abroad by accused Jaswinder Kaur, a representative of Cost Way Immigration Service owned by the present petitioner and the co-

2025:PHHC:160605



accused. The petitioner was nominated as accused during the course of investigation. He was arrested on 24.04.2024. The investigation now stands completed. The previous petition bearing CRM-M No.31790 of 2024 as filed by him had been dismissed on 10.09.2024.

2. It is argued by learned counsel for the petitioner that he is in custody for a period of over 1 year and 6 months. The trial will take considerable time to conclude. The subject offences are triable by Magistrate. The similarly situated co-accused Harinderjeet Singh @ Harinder has been extended benefit of bail. Only 2 out of 94 witnesses have been examined so far. He is on bail in all the other cases as registered against him. It is, therefore, urged that he deserves to be released on bail.

3. Status report has been filed by the respondent. Learned Assistant Advocate General, Punjab has argued that there are serious allegations against the petitioner who is a habitual offender. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

4. This Court has considered the rival submissions.

5. The petitioner is in custody since 24.04.2024. The co-accused Harinderjeet Singh @ Harinder has been extended benefit of regular bail by Hon'ble Apex Court. It is well settled proposition of law that every day spent in custody provides a new cause of action for filing a bail application under certain circumstances. This principle is a part of broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of



the accused with the requirement of the criminal justice system. Prolonged detention itself a ground for reconsideration of bail since settled principle of law is that detention prior to trial should not become punitive. The trial during incarceration should not be a replica of post conviction sentencing. In view of the fact that the petitioner is not required for further investigation, and that trial is likely to take time as it is apparent from the record that there are no chances of its conclusion in near future, this Court is of the considered opinion that the petitioner deserves to be extended benefit of bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

6. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

19.11.2025
manju

(MANISHA BATRA)
JUDGE

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