

CRM-M-45409-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45409-2025
Reserved on: 10.09.2025
Pronounced on: 24.09.2025

Karamjit Singh alias Karam Singh alias Karma ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shailesh Aggarwal, Advocate and
Mr. Yash Garg, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
92	13.05.2025	Shahkot, District Jalandhar	318(4), 127(4), 223, 61(2) BNS 2023 (Old Sections 420, 340, 188, 120B IPC)

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 15 of the bail petition as well as custody certificate dated 09.09.2025 and also the reply filed by the State, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That FIR No. 92 dated 13.05.2025 U/s 318(4), 127(4), 215 223, 61(2) of BNS (offence punishable U/s 223 BNS deleted later on vide DDR No. 24 dated 12.07.2025) was registered at Police Station: Shahkot, District Jalandhar (Rural) on the basis of a secret information received by SI/SHO Labh Singh (Belt No. 58/Jal) to the effect that Gurvinder Singh @ Virk (son of Singara Singh) along with his associates Jagdeep Singh, (son of Raju) and Karamjit Singh alias Kama (petitioner) had built an unregistered drug de-addiction center under the name and style "Turning

Point Foundation and Rehabilitation Center" in the building of a closed school which is owned by Gurdeep Singh Bajwa (son of Gurdit Singh). The said persons have made this closed school building a jail and are keeping around 30 drug addicts as captives illegally and are demanding a huge amount from their heirs and the captives are being tortured. If the closed school building is checked at the right time, the captives can be recovered from them. Information being credible, SI/SHO of Police Station: Lohian informed Insp/SHO of Police Station: Shahkot Balwinder Singh and thereafter, SI/SHO Labh Singh along with his fellow officers reached the old building of the school at Parjiya turn which was locked outside and the board of the drug de-addiction center was not installed. SI/SHO Labh Singh reached the office after opening the door of the closed school building, where Karamjit Singh alias Karma (petitioner) was found present in the office and there was a door in this building which was locked and the sounds of some people talking were coming from inside it. When Karamjit Singh alias Karma (petitioner) was asked about this, the petitioner said that his colleagues Gurvinder Singh alias Virk and Jagdeep Singh have rented this building and have opened a drug de-addiction center to help the youth who are addicted to drugs. On which, Deputy Superintendent of Police Sub Division Shahkot and Senior Medical Officer and Tehsildar Shahkot were contacted on phone and requested to reach at the spot. Accordingly after some time, Mr. Narinder Singh Sidhu Tehsildar Shahkot, Dr. Chandra Deepak SMO Shahkot, Lajwinder Kumar Drug Inspector, Dr. Karanjit Kaur along with the staff came at the spot, who were told about the conditions at the spot. In the presence of Tehsildar, the door lock was opened, which was closed like a prison in front and when the iron door made like a prison was opened, there was a big closed hall there, in which there was no window, railing or skylight or for air ventilation and 29 people were kept locked in this closed hall. Those people were in a bad condition due to the sweltering heat in the closed hall. At first glance, it looked like a closed hall and the owner of this center had not put up any center board outside the said building regarding the identity of his center and there was no qualified trainer or teacher in the center running under the name of Turning Point and there was no proper arrangement for food, drink and health. Thereafter "108" Ambulance was called and the captives recovered were sent to Civil Hospital Jalandhar. The petitioner along with his accomplices Gurvinder Singh and Jagdeep Singh had kept all the above persons captive in a closed hall for several months under the guise of a drug de-addiction center in the name of Turning Point and the petitioner who was arrested

CRM-M-45409-2025

on the spot, could not produce any license approved by the government regarding this drug de-addiction center. Hence, instant case FIR was registered against the petitioner along with co-accused Gurvinder Singh, Jagdeep Singh Gurdeep Singh Bajwa.”

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. Counsel further 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.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“ROLE OF THE PETITIONER:

That the petitioner had been specifically named by the secret informer and upon conducting search of the building where petitioner was found present, 29 persons were found and recovered from a closed hall which had no windows, railing or skylight. Those people were in a bad condition due to the sweltering heat in the closed hall. At first glance, it looked like a closed hall and the owner of this center had not put up any center board outside the said building regarding the identity of his center and there was no qualified trainer or teacher in the center running under the name of Turning Point and there was no proper arrangement for food, drink and health. Thereafter "108" Ambulance was called and the captives recovered were sent to Civil Hospital Jalandhar. The petitioner along with his accomplices Gurvinder Singh and Jagdeep Singh had kept all the above persons captive in a closed hall for several months under the guise of a drug de-addiction center in the name of Turning Point and the petitioner who was arrested on the spot, could not produce any license approved by the government regarding this drug de-addiction center.”

REASONING:

7. Allegations against the petitioner are that he was running an unregistered de-addiction center and keeping the addicts confined there without proper arrangement.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged

CRM-M-45409-2025

crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

9. Per the custody certificate dated 09.09.2025 the petitioner's total custody in this FIR is 03 months & 24 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 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

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.

CRM-M-45409-2025

bonds to the satisfaction of the concerned Court and due to unavailability before any 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, 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.

20. Any observation made hereinabove is neither an expression of opinion on the

CRM-M-45409-2025

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
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.