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CRM-M-45660-2025 (O&M)

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2025/PHHC-159460



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-45660-2025 (O&M)

Date of decision: 17.11.2025

CHAMKOUR SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Satbir Singh Gill, Advocate
for the petitioner.

Ms. Alisha Soni, AAG Punjab.

Ms. Neha Bindal, Advocate for the complainant.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

CRM-45233-2025

Prayer in the present petition is for inclusion of Section 201 IPC in the head note as well as in the prayer of the main case i.e. *CRM-M-45660-2025*. In view of the reasons mentioned in the application, the same is allowed and the Registry is directed to do the needful.

Application stands disposed of.

CRM-45234-2025

Keeping in view the averments made in the application, exemption is granted as prayed for.

Disposed of.

**Main Case**

1. Prayer in the instant petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.0087 dated 15.11.2022 registered under Section 408, 201 of the Indian Penal Code, 1860, at Police Station Amir Khas, District Fazilka.

2. Brief facts of the present case are that as per the prosecution are that the petitioner was working as a Clerk/Accountant in the complainant's mill and has misappropriated a sum of Rs.2,07,629/-.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the alleged incident. He further contends that with the intervention of respectables of the society, the parties have decided to bury their past dispute and have compromised the matter amicably. He further contends that a quashing petition i.e. *CRM-M-63586-2025* has already been filed before this Court and the parties have been directed to record their statements therein before the learned Illaqa Magistrate/trial Court. Learned counsel for the petitioner has argued that the petitioner was arrested on 05.07.2025 and he is behind bars for more than 04 months. Moreover, the petitioner has clean antecedents as he is not involved in any other case. On the strength of above arguments, he prays that no useful purpose would be served by keeping him behind bars. 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, which is taken on record and while referring to the



same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She has further submitted that she is not aware about the compromise, if any, between the parties. However, she has duly acknowledged that the petitioner is in custody for more than four months and is not involved in any other case.

5. Learned counsel for the complainant does not dispute the factum of compromise and submits that she has no objection if the present petition is allowed.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 04 months. No useful purpose would be served by detaining the petitioner in further custody, more so when the matter has already been compromised between the parties and a quashing petition on the basis of compromise has already been filed. 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.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held 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



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.

17.11.2025	(RUPINDERJIT CHAHAL)
puneet	JUDGE
i)	Whether speaking/reasoned? Yes/No
ii)	Whether reportable? Yes/No