



CRM-M-47019 of 2025

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

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CRM-M-47019 of 2025
Date of Decision: 01.09.2025

Surmukh Singh @ Sumi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Davinder Singh Saini, Advocate
or the petitioner.

Mr. Amit Shukla, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.76 dated 23.04.2024 registered under Sections 457, 394 and 120-B of IPC (Section 411 and 201 IPC added later on), at Police Station City Rupnagar, District Rupnagar.

2. Brief facts of the present case are that FIR was registered on the statement of complainant-Pukhraj Singh, who runs a shop under the name and style of 'B.S. Bikaner'. On 20.04.2024, around 9.00 pm, a young man entered into his shop who has covered his face with white colour handkerchief and was wearing yellow headgear. The young man demanded sneaker chocolate, pushed the complainant and allegedly took away Rs.5000/- and fled away on the motor-cycle of another man who was already



waiting for him.

3. Learned counsel for the petitioner contends that initially the FIR was registered against unknown persons and the petitioner has been falsely implicated in the present case. He further contends that the petitioner was neither present at the spot, nor named in the FIR. He has been nominated as an accused only on the basis of the disclosure statement made by co-accused Harwinder Singh @ Kaka. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of co-accused during his custodial interrogation is not admissible. It has also been contended that the alleged occurrence took place on 20.04.2024 and the FIR in question was registered on 23.04.2024 i.e. after an unexplained delay of 03 days. The petitioner is in custody since 03.11.2024. The investigation in the case is complete and challan also stands presented. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Further, co-accused Harwinder Singh @ Kaka, from whom the alleged recovery of *datar* had been effected, has already been granted the concession of regular bail by the Court of learned Sessions Judge, Rupnagar, vide order dated 08.07.2024. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for bail on the ground that the offence committed by the petitioner is serious in nature. He has further



submitted that the petitioner is convicted in one other case meaning thereby he is an habitual offender.

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 05 months, investigation is complete; challan stands presented, charges have also been framed, and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. 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. 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*”.

8. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is

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reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

9. 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.

01.09.2025*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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