



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-48237 of 2025

Reserved On: 07.11.2025
Pronounced On: 14.11.2025

Palwinder Singh

... Petitioner(s)

Versus

State of PUnjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Ritesh Pandey, Advocate
for the petitioner(s).

Mr. Jasdev Singh Thind, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 420 and 406 of the Indian Penal Code, 1860 hereinafter being referred to as “IPC”, the FIR No. 64 dated 11.06.2022 has been lodged in Police Station Dehlon, District Ludhiana, Punjab. This is first petition for bail, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.

2. Briefly stating the facts emerging from record are that the above mentioned FIR came into being on the statement of Yadwinder Singh, hereinafter being referred to as “complainant” only. It was complained by the above named complainant that he is Ex-Serviceman, and that the accused ‘Suresh Kumar’ was posted as Naik in his regiment. According to complainant, before his retirement the accused ‘Suresh Kumar’ came to him

and told that he could get the complainant recruited in Indian Railways as Ticket Checker, after his retirement from Army. As per complainant, it was also stated that 'Suresh Kumar' was posted as Naik in his regiment. According to complainant, along with one of his brother, namely 'Naresh Kumar' was having connection in Indian Railways and he could get the job done. It is the allegation of the complainant that convinced with the assurance of 'Suresh Kumar' he handed over his Bio-data to 'Suresh Kumar' and thereafter, in response to phone call of 'Suresh Kumar' he met Naresh Kumar who came to meet him along with 'Palwinder Singh' and 'Harjinder Singh'. It has been further alleged by the complainant that in the name of getting employed in Indian Railways as TC, he paid ₹8,50,000/- to the above named persons, but could not secure the above mentioned job.

3. Heard.

4. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime. According to learned counsel for the petitioner, the contents of FIR shows that the basic allegations were levelled against 'Suresh Kumar' and 'Naresh Kumar', and that the petitioner is not a beneficiary, and that the petitioner has been falsely implicated in the present case.

5. In addition to above, the learned counsel for the petitioner has also argued that in the present case which is triable by the Court of Judicial Magistrate, the petitioner has already suffered a long incarceration for being in custody for a period of ten months & ten days, and that nothing is left to be recovered from the possession of the petitioner.

6. In addition to above, the learned counsel for the petitioner has

also argued that no convincing evidence has been collected by the Investigating Agency against the petitioner.

7. Per contra, the learned State counsel has argued that the petitioner has a criminal history as he is facing prosecution in several cases, and that the gravity of offence committed by the petitioner stands on a higher footing as the victim is an Ex-Serviceman and he has been duped for a large amount of money.

8. The record has been perused carefully.

9. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. They are:-

- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the petitioner has already suffered lot of incarceration for being in custody for a period of more than ten months;
- ii) that the trial is not likely to be concluded in near future;
- iv) that nothing is left to be recovered from the possession of the petitioner;
- v) that further detention of petitioner is not likely to serve any purpose;
- vi) that there is nothing on record to show that if released on bail, the petitioners are likely to tamper with the evidence or influence the witnesses; and

vii) that there is nothing on record to show that if released on bail, the petitioners will not participate/cooperate in the trial.

10. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of "***Dataram versus State of Uttar Pradesh and another***", 2018(2) R.C.R. (Criminal) 131, has observed that *"a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case."*

11. The principles laid down by the Hon'ble the Supreme Court of India in the case of '**Satender Kumar Antil Vs. Central Bureau of Investigation and Another**', 2022 LiveLaw (SC) 577, are also relevant in this case. In the above mentioned case, it has been observed that "*the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice.*"

12. Recently, in the case of '**Tapas Kumar Palit Vs. State of Chhattisgarh**', 2022 INSC 222, the Hon'ble Supreme Court of India has observed that "*if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed.*" It has also been observed by the Hon'ble Supreme Court of India in the above mentioned case that "*delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently.*"

13. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of

reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in *“Balwinder Singh versus State of Punjab and Another”*, SLP (Crl.) No.8523/2024.

14. If the cumulative effect of all the above mentioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

15. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- a) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority;
- b) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

16. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him

shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

17. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

November 14, 2025
“DK”

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