

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48661-2025
Reserved on: 01.10.2025
Pronounced on: 28.10.2025

Palwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Pooja, Advocate for
Mr. Ritesh Pandey, Advocate, for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
135	12.10.2023	Nurpur Bedi, Distt. Rupnagar	420, 465, 467, 468, 471, 120-B 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. As per paragraph 9 of the bail petition and as per 8 D of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	73	21.04.2022	406, 420, 120-B IPC	Sultanpur Lodhi, Distt. Kapurthala
2.	64	11.06.2022	406, 420 IPC	Dehlon, Distt. Ludhiana
3.	26	20.06.2022	406, 419, 420, 120-B IPC	Nangal Bhoor, Distt. Pathankot
4.	21	12.05.2018	420, 465, 467, 468, 471, 120-B IPC	Kotli Surat Mallian, Distt. Gurdaspur
5.	188	06.07.2006	420, 467, 468, 471, 120-B IPC	City Batala, Distt. Gurdaspur
6.	29	05.04.2019	420, 465, 467, 468, 471, 120-B IPC	Kotli Sura Mallian, Distt. Batala
7.	22	23.02.2021	406, 420, 120-B, 506 IPC	Division No.6, Distt. Jalandhar
8.	116	11.07.2017	406, 420, 465, 467, 468, 471, 201 IPC	City Rupnagar, Distt. Rupnagar

3. The facts and allegations are being taken from the reply filed by the State, which

reads as follows:

“2. That it is respectfully submitted that Complaint No.2592-SSP dated 13.09.2022, was moved by the Complainant-Jatinder Kumar son of Ram Sarup, resident of village Musapur, PS Nurpur Bedi, District Rupnagar, to Senior Superintendent of Police, Rupnagar, averring therein that on 30.10.2018, he retired from Indian Army and after retirement he was intending to do further job for his livelihood and his co-villager namely Avtar Krishan (who is also an ex-serviceman) told him that one Suresh Kumar was working with him in his unit in the Indian Army and relative of said Suresh Kumar was working at a higher post in Indian Railways and he had got several persons including civilians and retired army men appointed in the Indian Railways and Avtar Krishan further told him that Suresh Kumar had also disclosed to him that he had got his brother Naresh Kumar appointed as Junior Engineer in Indian Railway through said relative and his training in the Indian Railways was going on, therefore, Avtar Krishan shared his contact number with aforementioned Suresh Kumar. It was further averred by the Complainant-Jatinder Kumar in his complaint that following the aforementioned development and conversation with Suresh Kumar and others, on 10.03.2019, Naresh Kumar, Petitioner-Palwinder Singh and one Harjinder Singh met him at his house in the presence of Dinesh Kumar son of Prem Chand and Ram Sarup son of Paras Ram and the aforementioned Naresh Kumar, Petitioner-Palwinder Singh and Harjinder Singh assured the Complainant-Jatinder Kumar to get him appointed as Ticket Checker in Indian Railways and for that purpose they would take Rs.8,50,000/- and Complainant-Jatinder Kumar trapped in the web knitted by these persons and on that day they got his signatures on certain forms and papers etc. and they also took his original academic certificates, photographs and other credentials.

3. That it was further averred by the Complainant-Jatinder Kumar in his complaint that after few days he was called to New Delhi, where Petitioner-Palwinder Singh and Harjinder Singh took Rs.1,00,000/- cash from him in order to get his medical examination and after getting his medical examination he was returned to his house. It was also averred by the Complainant-Jatinder Kumar that at the time of getting his medical examination at New Delhi, he came to know that apart from him two more persons namely Yadwinder Singh of District Ludhiana and Balram Kumar of Haryana State, were also present at New Delhi for their medical examination and Rs.1,00,000/-each was also obtained by the Petitioner-Palwinder Singh and Harjinder Singh from them. It was further averred by the Complainant-Jatinder Kumar in his complaint that on 15.03.2019, Suresh Kumar and Naresh Kumar asked him to reach at Varanasi, however, Petitioner-Palwinder Singh asked him to come to his village at Chahal Kalan, where Complainant-Jatinder Kumar along with Dinesh Kumar met him at the house of brother of Petitioner-Palwinder Singh and where he received Rs.3,00,000/- each from Complainant-Jatinder Kumar, Balram Kumar and Yadwinder Singh and Petitioner-Palwinder Singh handed over an appointment letter dated 16.03.2019 to Complainant-Jatinder Kumar and asked him to join at Varanasi till 03.04.2019.

4. That it was further averred by the Complainant-Jatinder Kumar in his complaint that on 26.03.2019, he, Balram Kumar and Yadwinder Singh were called by Petitioner-Palwinder Singh and Harjinder Singh to Varanasi where Naresh Kumar was also present and they took Rs.2,00,000/-each from them on the pretext of getting their documents attested from different departments and they also handed over railway pass and receipt of their medical examination to them and during this period the Petitioner-Palwinder Singh and Naresh Kumar kept on talking to him over the phone and conversation of these all voice calls were being

recorded by him in his phone. It was further averred by the Complainant-Jatinder Kumar in his complaint that the Petitioner-Palwinder Singh, Harjinder Singh and Naresh Kumar kept on giving assurances to him, Balram Kumar and Yadwinder Singh of completing the formalities of their joining and thereafter on 05.05.2019, they were called to New Delhi, where Petitioner-Palwinder Singh, Harjinder Singh and Naresh Kumar received Rs.2,50,000/- each from them on the pretext of getting their training and on 07.06.2019, they were again called to Varanasi and where they were kept in a hotel and thereafter on 23.07.2019, Complainant-Jatinder Kumar, Balram Kumar and Yadwinder Singh were called to Dhanbad and they were handed over certain documents in envelop to deliver the same in Delhi, being part of their training, but the said envelop were without address and while they were coming to Delhi by train, then they were asked by the Ticket Checker in the train to show their Railway Passes and on checking of the same by Ticket Checker, the same were found to be forged and fabricated. It was further averred by the Complainant-Jatinder Kumar in his complaint that thereafter he asked to Petitioner-Palwinder Singh and Harjinder Singh to return his amount but they kept on delaying the matter on one pretext or another and finally he realized that he was duped by the Petitioner Palwinder Singh, Harjinder Singh and Naresh Kumar for Rs.8,50,000/- on the pretext of getting his appointed as Ticket Checker in Indian Railway and he requested to take action against them.”

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 his family.

5. The petitioner's counsel 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.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which reads as follows:

“B. The evidence against the petitioner.

It is further submitted that the statements of aforementioned witnesses and the conversation of voice calls between Complainant-Jatinder Kumar and the Petitioner-Palwinder Singh, recorded by the Complainant-Jatinder Kumar are evidence against the Petitioner-Palwinder Singh.

6. That it is further submitted that during investigation of the case, the witnesses acquainted with the facts and circumstances of the case were examined and their statements under Section 161 Cr.P.C. were recorded by the Investigating Officer. It is further submitted that during investigation of the case, the sources of the payment made by the Complainant-Jatinder Kumar were verified and relevant record from the concerned banks was obtained and made part of the file. It is further submitted that on 24.07.2024, Harjinder Singh (co-accused of the

Petitioner) was arrested and from his interrogation, the involvement of Petitioner-Palwinder Singh was established.

7. That it is further submitted that thorough investigation of the case was carried out and during investigation the appointment letters, joining letters and Railway Pass handed over by the Petitioner-Palwinder Singh and Harjinder Singh to Complainant-Jatinder Kumar, were got verified from the concerned departments and Indian Railway and on verification, the same were found to be forged and fabricated, therefore, Section 465, 467, 468, 471 IPC were added in the present case against the Petitioner-Palwinder Singh and his co-accused Harjinder Singh vide case diary dated 20.09.2024. It is further submitted that on completion of investigation against Harjinder Singh (co-accused of the Petitioner), final report (Challan) was presented on 21.10.2024, against him, to the Court of competent jurisdiction.

8. That it is further submitted that during further investigation of the case against Petitioner-Palwinder Singh, he was arrested on 30.12.2024, in the present case and after thorough investigation against him, supplementary final report (Challan), was presented on 29.05.2025, against the Petitioner-Palwinder Singh and now the same is pending before the Ld. Judicial Magistrate Ist Class, Sri Anandpur Sahib, District Rupnagar, for 24.10.2025, for consideration of framing of charges against the Petitioner-Palwinder Singh and his co-accused Harjinder Singh.

C. The role of the petitioner.

It is respectfully submitted that Petitioner-Palwinder Singh induced the Complainant-Jatinder Kumar to deliver him Rs.08,50,000/- on the pretext of getting him appointed as Ticket Checker in Indian Railway. It is further submitted that the Petitioner-Palwinder Singh and his co-accused Harjinder Singh have received the aforementioned amount from Complainant-Jatinder Kumar on different dates and swindled him by getting his medical examination at New Delhi and then by calling him to Varanasi on the pretext of getting him appointed in the Indian Railway and also provided forged appointment letter, joining letter and Railway Pass.”

REASONING:

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

9. As per paragraph 4 of the bail petition, the petitioner has been in custody since 02.01.2025. As per the custody certificate dated 30.09.2025, the petitioner's total custody in this FIR is 08 months and 28 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

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.

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 for 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.

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 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:

²Supreme Court of India in *State of Kerala v. Raneeff*, 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.

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 case's merits nor shall the trial Court advert to these comments.

21. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

22. 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.”

23. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.10.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.