



CRM-M-51567-2025 (O&M)

1

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-51567-2025 (O&M)****Reserved on : 17.10.2025****Pronounced on : 30.10.2025**

Love

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 399, 402, 48 and 149 of Indian Penal Code, FIR No.54 dated 07.04.2016 has been lodged in Police Station Sadar, District Amritsar. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is second petition for bail, filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Earlier bail petition of the petitioner was allowed by this Court by virtue of order dated 19.11.2018.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on the basis of complaint/information memo, submitted by ASI Gurbhej Singh. In the abovementioned complaint, it was stated by the complainant that on 07.04.2016, when he was on patrolling

**CRM-M-51567-2025 (O&M)**

2

duty along with other police officials, he got a tip-off that Manna, Banti, Bobby, Tarjan, Lattu, and Gora, who were drug addicts, and involved in cases of theft and dacoity, were sitting in a black auto in a lonely area and planning to commit dacoity. According to abovementioned police official, when he along with accompanying police officials conducted raid, Manpreet Singh @Manna, Sukhdev Singh @Bunti and Bobby were apprehended and from their possession, different type of sharp-edged weapons were recovered.

3. According to prosecution, three persons had managed to run away, whose names were later on disclosed by Sukhdev Singh @Bunti as Suraj Kumar @Tarjan, Gora and Love (petitioner herein). It is the case of the prosecution that later on, the petitioner-Love was arrested.

4. Heard.

5. It has been contended on behalf of the petitioner that the petitioner was arrested on 08.06.2018, and on 19.11.2018, he was afforded the benefit of bail, and thereafter, he continued to appear before the trial Court, but later on, he could not appear before the trial Court on 21.01.2023 due to wrong information about the date, and therefore, his bail was cancelled and bail and surety bonds were forfeited to the State. As per learned counsel for the petitioner, subsequently the petitioner has been arrested, and he is behind the bars for the last more than one and a half year, and that the trial is not likely to be concluded in near future.



CRM-M-51567-2025 (O&M)

3

6. *Per contra*, the learned State Counsel has argued that the petitioner is a habitual offender, who has already misused the concession of bail, and therefore, he is not entitled for the benefit of bail.

7. The record has been perused carefully.

8. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, before arriving at any decision with regard to present petition for bail. Those factors are: -

- i) that the petitioner was arrested on 29.04.2024, and since then, he is in custody, and thus, after jumping the bail, the petitioner has served a sentence for a period of almost one and a half year;
- ii) that with regard to abovementioned offence, earlier also the petitioner was in custody for a period of more than 05 years;
- iii) that the trial is progressing at a snail pace, as out of 14 prosecution witnesses, only 04 prosecution witnesses have been examined, so far, and;
- iv) that the petitioner had been appearing before the trial Court and facing trial regularly right from the year 2018 to 2023.

9. With regard to the legal aspect involved in the instant case, it is relevant to mention here 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”.

10. 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 abovementioned 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”.

11. 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***.

12. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is entitled for the benefit of bail.

13. 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 furnishing his personal bonds and surety bonds to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) 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.
- (ii) 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 final disposal of the case; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.



CRM-M-51567-2025 (O&M)

14. 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.

(SURYA PARTAP SINGH)
JUDGE

OCTOBER 30, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No