



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

229

CRM-M-53918-2025 (O&M)
Date of decision: 17.12.2025

Amarjit Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Wife and daughter of the petitioner in person

AMAN CHAUDHARY, J. (ORAL)

1. In view of the request letter circulated by Bar Association, the lawyers are abstaining from work.
2. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.37 dated 23.07.2025, registered under Sections 406, 409, 420, 465, 467, 468, 471, 120-B IPC and Section 13(1)(A) read with Section 13(2) of Prevention of Corruption Act at Police Station Vigilance Bureau, Patiala, District Patiala.
3. A perusal of the petition reveals that the petitioner has been in custody since 10.09.2025 and is a retired Government Officer. On a number of occasions, he had sent letters to the BDPO concerned with regard to the work being conducted without approvals and sanction. However, no heed was paid to the same, leading to mis-appropriation of funds, in which he has no involvement. His wife is suffering from suspected of being suffering from



cancer, with regard to which, they had visited Homi Bhabha Cancer Hospital and has got done the CT scan and biopsy on 10/12.11.2025 but could not properly follow up the treatment in absence of the petitioner. The petitioner had voluntarily surrendered on 10.09.2025, after withdrawing the anticipatory bail petition before this Court.

4. SI Samratveer VB/Ptl appears and files custody certificate dated 16.12.2025, which is taken on record. As per the same, the petitioner is behind bars for 3 months and 6 days and informs that the challan was presented on 05.12.2025 and charges have not been framed. In all 22 there are prosecution witnesses. He is involved in 1 more case, wherein he is on bail.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382 had held that, “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.”

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 3 months and 6 days; on bail in other case; challan stands presented on 05.12.2025 and charges are yet to be framed; there are a total of 22 prosecution witnesses, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of



his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as



granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

17.12.2025
M.Kamra

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