



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

CRM-M No.58111 of 2025 (O&M)

Reserved on: 28.10.2025

Date of Decision: 31.10.2025

Chanan Singh @ Joban

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Mr.Surinder Gandhi, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. This is first petition, filed by the petitioner, under Section 483 of BNSS for grant of bail. For the commission of offence punishable under Sections 111(1) of BNS and Sections 25, 25(6), 25(7)(i) and 25(8) of Arms Act, the FIR No. 155 dated 21.07.2025 has been lodged in Police Station Khalra, District Tarn Taran. The petitioner is being prosecuted for the commission of above mentioned offences and he has been arrested. The petitioner is still in custody and, therefore, craving for the benefit of bail.

2. The allegations in the abovementioned FIR are that on 21.07.2025 on receipt of a tip-off from an informer, when a police party headed by Assistant Sub Inspector Narinder Singh intercepted a vehicle, two occupants namely Akashdeep Singh @ Kashi and Lovejeet Singh @ Love were found traveling therein and from the possession of accused Akashdeep Singh one pistol with magazine and two live cartridges were recovered, whereas from the



possession of Lovejeet Singh @ Love 4 live and 2 empty cartridges of 30 bore were recovered.

3. It has been alleged that the petitioner has no criminal antecedents and that except the offence under Section 111(1) of BNS, all the offences are triable by the Court of Judicial Magistrate. According to petitioner since the petitioner has been nominated in view of disclosure statement of co-accused namely Akashdeep, and the same is not admissible in evidence, the instant case is a case of no evidence against the petitioner.

4. Notice of motion.

5. Since advance notice has already been served, Mr. Rohit Bansal, Sr. DAG Punjab, appears on behalf of respondent-State, and waives service.

6. The learned State counsel has opted not to file formal reply to the petition. However, he has orally opposed the present bail petition.

7. Heard.

8. It has been contended by learned counsel for the petitioner that petitioner has been falsely implicated in this case and that use of Section 111(1) of BNS is totally unwarranted in this case, in view of the fact that neither there is any reference of involvement of petitioner in any other crime nor he has ever been prosecuted. According to learned counsel for the petitioner the petitioner has been nominated in view of disclosure statement of co-accused only, and that the above mentioned disclosure statement has no legal sanctity being inadmissible in evidence. It has also been argued by learned counsel for the petitioner that the petitioner has already suffered a long incarceration for being in custody for a period of more than 3 months and the



investigation and trial, in the present case, are not likely to be concluded in near future.

9. Per contra, the learned State counsel has argued that allegations against the petitioner are of being involved in organized crime, and that in the given fact situation, his bail has rightly been rejected by the Court of learned Special Judge.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, for the decision of present bail petition, following are the factors which must be taken into consideration for arriving at any conclusion: -

- i) that the petitioner is already in custody for a period of more than 3 months;
- ii) that the petitioner has no criminal antecedents;
- iii) that except the offence under Section 111(1) of BNS all the offences are triable by the Court of Judicial Magistrate;
- iv) that nothing is left to be recovered from the possession of petitioner;
- v) that the trial is not likely to be concluded in near future;
- vi) that detaining of petitioner in the judicial lock-up is not likely to serve any purpose;

12. With regard to the factual matrix of 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.

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 is the mandate of the Apex court in **“Balwinder Singh versus State of Punjab and Another”**, SLP (Crl.) No.8523/2024.

14. The Hon’ble Supreme Court in the case of **‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’**, 2022 LiveLaw (SC) 577, has held 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.

15. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail and the present petition deserves to be allowed.

16. 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 personal bond and surety bond(s) 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 from closing 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.

17. 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

31.10.2025
Manoj Bhutani

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