



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

05

CRM-M-56999-2025
Reserved on: 10.11.2025
Pronounced on : 11.11.2025

RAJ KUMAR

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Baltej Singh Sidhu, Sr. Advocate with
Ms. Reema, Advocate
for the petitioner.

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

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 105, 118(2) and Section 3(5) of BNSS, 2023 and Sections 9, 9-B and 12 of the Explosives Act, 1884 and Section 92 of Factories Act, 1948, the FIR No.129 dated 30.05.2025, has been lodged in Police Station Lambi, Sri Muktsar Sahib. With regard to commission of above mentioned offence, the petitioner has been arrested. He is in custody, and therefore, craving for the concession of bail. This is first petition for bail, filed by the petitioner under Section 483 of BNSS.

2. In nut-shell the facts emerging from record are that the above mentioned FIR came into being when SI Karamjeet Kaur got a tip-off that an illegal factory, for the production of firecracker was being run at Malout-Bathinda bypass, by Tarsem Singh his wife 'Sukhchain Kaur' and son 'Navraj Singh', and that in the above-mentioned factory numerous migrants labourers were working. According to above-named Sub-Inspector, it was also informed



that in the preceding night a blast had taken place in the above-mentioned factory due to which number of migrant labourers had buried under the debris, and few of them passed away. It is the case of the prosecution that on the basis of above-mentioned information, the aforementioned FIR was lodged and the investigation taken up.

3. It has been contended on behalf of petitioner that petitioner has been falsely implicated in the present case despite the fact that he has nothing to do with the alleged criminal offence. According to learned counsel for the petitioner the allegations against the petitioner are that he was working in the factory as Manager and providing labour. With regard to above, it has been contended by learned counsel for the petitioner that an employee working in an institution cannot be held liable for any negligence or lapse on the part of owner/employer.

4. It has also been argued by learned counsel for the petitioner that in the present case the petitioner who has already undergone imprisonment for a period of more than 05 months is facing the agony of incarceration without any admissible evidence against him. As per learned counsel for the petitioner, otherwise also if the factory was being run without proper safety gears/safeguards and any accident had taken place therein due to above-mentioned deficiency/lapse, unless any act, covert or overt, is attributed to the petitioner, he cannot be held liable for the above-mentioned accident. It has also been argued by learned counsel for the petitioner that in the present case the benefit of bail has been accorded to co-accused by virtue of order dated 30.09.2025.

5. *Per contra*, the learned State counsel has argued that the instant



case is a case, wherein it has been found that an illegal factory for manufacturing of fire-cracker was being run by the co-accused namely Navraj Singh Dhillon and that there was loss of large number of life of workers, due to explosion in the factory. According to learned State counsel since the proper safeguards were not taken by the owner of the factory and there was no licence for manufacturing of fire-crackers, the gravity of offence increases manifold. While claiming that the petitioner was one of the person responsible for the manufacturing of fire-crackers in the factory, it has been contended by learned State counsel that the petitioner has to share responsibility for the above-mentioned accident.

6. Heard.

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, for arriving at any decision with regard to present petition for bail: -

- (i) that the petitioner is already in custody for a period of more than 05 months;
- (ii) that there is nothing on record to show that it was duty of the petitioner to take requisite safeguards for the safety of workers;
- (iii) that there is nothing on record to show that it was the duty of the petitioner to obtain requisite licence from the authority, as the above-mentioned role has been attributed to Navraj Singh Dhillon;
- (iv) that nothing is left to be recovered from the possession of petitioner;
- (v) that detention of petitioner in judicial lockup is not likely to serve any purpose;
- (vi) that the trial is not likely to be concluded in near future;



- (vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- (vii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

9. With regard to the legal aspect involved in the instant case the principles of law laid down by the Hon'ble Supreme Court in the case of ***"Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131***, are relevant, wherein it has been 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. 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 abovementioned 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"*.

12. 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*.

13. If the cumulative effect of all the abovementioned 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.

14. 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:-

- (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 decision in the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

15. 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

11.11.2025

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