

2025:PHHC:166071



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.59265 of 2025

Amandeep Kamboj @ Aman ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	18.11.2025
2.	The date when the judgment is pronounced	29.11.2025
3.	The date when the judgment is uploaded on the website	29.11.25
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bipan Ghai, Senior Advocate,
with Mr. Nikhil Ghai, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The previous two petitions as filed by the petitioner before
this Court had been dismissed vide orders dated 13.11.2024 and

2025:PHHC:166071



02.07.2025. Now this third petition has been filed by him by submitting that challan report had been presented in this case on 10.09.2024. Charges were framed on 11.09.2024. A period of more than one year has expired but trial has not concluded and will take considerable time to conclude. Non conclusion of trial within 60 days has entitled the petitioner to seek release on bail. Each day spent by the petitioner in custody has provided a new ground to him to seek concession of bail. He has been extended benefit of bail in some of the cases as registered against him. His further incarceration will not serve any useful purpose. With these broad submissions, it is urged that he deserves to be released on bail.

2. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that the petitioner is a habitual offender being involved in 46 other cases. His previous bail petitions had been dismissed by passing detailed orders. There are chances of the petitioner's absconding or committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

3. This Court has considered the rival submissions.

4. The petitioner is alleged to have duped the complainant of a sum of Rs.70 lakhs by inducing him on the pretext of securing a Government job for his son. He is a habitual offender being involved in several cases and was even declared an absconder. The trial is going on. Five witnesses out of eleven prosecution witnesses stand examined and, therefore, it cannot be stated that the trial is going on at a snail's pace. So far as the

2025:PHHC:166071



argument that the trial has not concluded within a period of 60 days from the date of framing charge is concerned, undoubtedly, as per the provision of Section 480(6) of the Bharatiya Nagarik Suraksha Sanhita, 2023, a person accused of offences triable by Magistrate can seek release on bail if the trial is not concluded within 60 days from the first date of evidence. However, the well settled proposition of law is that the provisions of this section which are pari materia with Section 437(6) of the Code of Criminal Procedure cannot be considered to be mandatory in nature and cannot be interpreted to grant an absolute and indefeasible right of bail in favour of an accused and it is not mandatory or obligatory upon the Court to enlarge an accused on bail once period of 60 days from the first date fixed for taking evidence is over. There can be no such mathematical consequence. The facts and circumstances of each case, gravity of the offence and the manner in which the accused is involved in the offence as alleged by the prosecution is to be seen.

5. Taking into consideration the criminal antecedents of the petitioner including the fact that he was even declared an absconder and a case under Section 174-A of IPC has also been registered against him apart from 46 other cases, the nature of the allegations as levelled against him, the fact that the prayer for grant of bail as made by him in this case has been declined twice and after moving a special leave petition before Hon'ble Apex Court, he withdrew the same, this Court finds that there is no substantive or new ground to extend benefit of bail to the petitioner. Merely



on the basis of extended period of custody, he cannot seek concession of bail as a matter of right. In view of the above discussd facts, this Court finds no reason to allow the petition and accordingly, the same is dismissed.

6. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.11.2025
manju

(MANISHA BATRA)
JUDGE

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