

CRM-M-62347-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-62347-2025 (O&M)****Reserved on : 12.11.2025****Pronounced on : 17.11.2025**

Beant Singh Gill

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

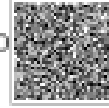
Argued by: Mr. P.K.S. Phoolka, Advocate for the petitioner.

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

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 420 and 406 of the Indian Penal Code, the FIR No.289 dated 14.12.2022 has been lodged in Police Station Canal Colony, District Bathinda. 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 first petition for bail filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of Bhupinder Singh, hereinafter being referred to as 'complainant' only. In his abovementioned complaint, addressed to Senior Superintendent of Police Bathinda, it was alleged by the

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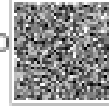
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complainant that Beant Singh Gill was a travel agent and he used to facilitate immigration of willing persons to foreign countries. As per complainant, in the month of July, 2019, Paramjit Singh, a relative of complainant, and Harpal Singh, his acquaintance, had introduced him to Beant Singh Gill, and assured that he would facilitate his immigration to a foreign country, and if the work is not done, the money would be returned.

3. According to complainant, believing the abovementioned assurance, he agreed to pay money for family Visa, and that the deal was stuck for a sum of Rs.12,85,000/-. According to complainant, in view of abovementioned deal, he paid various amounts to the petitioner on different occasions, and in total paid Rs.12,82,000/-. As per complainant, despite payment of money, the family Visa was not arranged by the petitioner. It has been claimed by the complainant that the petitioner has cheated him.

4. Heard.

5. It has been contended on behalf of petitioner that the FIR, registered against the petitioner, is false, and based upon wrong assumptions. According to learned counsel for the petitioner, the petitioner had no intention of cheating, but due to COVID-19 conditions, the Visa file of the complainant could not be initially processed, but later on, it was processed, the request of complainant for family Visa was declined. As per learned counsel for the petitioner, for such act the petitioner cannot be blamed. While arguing that there was no intention to cheat the complainant, learned counsel for the petitioner has argued that the petitioner has already suffered a lot of incarceration for being in custody for a period of more than 01 year,



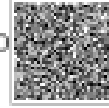
and 02 months, in a case, which is triable by the Court of Judicial Magistrate.

6. *Per contra*, the learned State Counsel has argued that the petitioner is a habitual offender, who is already facing similar type of prosecution in various cases. As per learned State Counsel, the act and conduct of petitioner does not warrant the benefit of bail for him, as he is likely to misuse the abovementioned concession and influence the witnesses.

7. The record has been perused carefully.

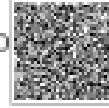
8. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for arriving at any decision with regard to present petition for bail: -

- i) that the offence is triable by the Court of Judicial Magistrate;
- ii) that the maximum punishment prescribed for the abovementioned offence is imprisonment upto 07 years;
- iii) that the petitioner has already suffered a long incarceration for being in custody for a period of more than 01 year and 02 months;
- 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 detention of petitioner in judicial lockup is not likely to serve any purpose;
- 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; and



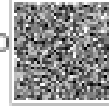
viii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

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 of 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



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shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

NOVEMBER 17, 2025
Gaurav Thakur

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