



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

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CRM-M-64220-2025**Date of decision: 19.11.2025**

GURMUKH SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Yaseen Sethi, Advocate and
Ms. Akshita Nanda, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant first petition has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 164 dated 27.10.2019, registered under Section(s) 379-B of the Indian Penal Code, 1860 at Police Station -Maqboolpura, Amritsar (later on charges were framed under Section 379-B, 411 and 201 of the IPC).

2. Briefly summarized the facts of the present case are that the FIR in question had been got registered on the statement of Lakhwinder Singh (son of Joginder Singh) on the allegation that on 27.10.2019, he was travelling in the Auto bearing registration PB02DF-3358, which was being driven by the petitioner. It is alleged that the petitioner alongwith other three co-accused snatched Rs. 6000/- from the complainant after threatening him of dire consequences. Undisputedly, the petitioner was granted the concession of regular bail on 30.01.2020, however, the petitioner absented

after the COVID-19 period whereupon he was taken in custody on 13.03.2024. The petitioner was thereafter granted concession of regular bail vide order dated 23.05.2024, however, he could not furnish bail bonds. Under some erroneous impression, the petitioner submitted another application for grant of regular bail which was dismissed by the Additional Sessions Judge, Amritsar vide order dated 01.02.2025. Hence, the present petition has been filed.

3. Undisputedly, in so far as the order dated 23.05.2024 granting concession of regular bail to the petitioner is concerned, the said order has neither been recalled nor cancelled. There was thus no occasion for the petitioner to have moved the 2nd petition for grant of regular bail. The only aspect required to be undertaken by the petitioner was to furnish bail bonds but the same were not undertaken, merely on account of an error committed by the Counsel in submitting an application afresh which such error was compounded by dismissal of the subsequent application for bail. The petitioner has continued in his ordeal in custody.

4. Counsel appearing on behalf of the petitioner contends that the petitioner was not given proper assistance and the petitioner had been taking help of the Legal Aid Counsel for pursuing his case, who did not rightly advise him regarding filing of the subsequent application. Had it not been for the dismissal of the application dated 01.02.2025, the petitioner would not have approached this Court.

5. Counsel for the respondent-State does not dispute the said aspects and contends that technically, there was no occasion for the petitioner to have filed a second bail application since vide order dated 23.05.2024, petitioner was granted concession of regular bail that has not

been cancelled or withdrawn at any stage.

6. I have heard learned counsel appearing on behalf of the respective parties.

7. In the present case, even though the petitioner had been granted concession of bail, however, due to non-furnishing of bail bonds, he was behind bars. Hon'ble Supreme Court in the Re: policy strategy for grant of bail observed that undertrial prisoners who continue to be in custody despite having been granted the benefit of bail due to inability in furnishing bail bonds, Courts should relax the conditions suo motu. The relevant extract is reproduced hereunder:-

“With a view to ameliorate the problems a number of directions are sought. We have examined the directions which we reproduce hereinafter with certain modifications.

Xx xxx xxx xxx xxx xxx xxx

(6) If the bail bonds are not furnished within one month from the date of grant of bail, the Court concerned may suo motu take up the case and consider whether the conditions of bail require modification/relaxation.”

8. Similar view was also held in the matter of **“Girish Gandhi versus State of U.P. & Others”**, reported as **(2024) 10 SCC 674**.

9. In view of the peculiar circumstances of the case, the present petition is disposed of at this stage by observing that the petitioner would be deemed to have already been granted the benefit of bail vide order dated 23.05.2024.

10. Invariably, a period of more than one and half years have elapsed since the petitioner was granted the concession of bail, hence, in

view of the judgment of the Hon’ble Supreme Court in the matter of *Re: Policy strategy for grant of Bail and Girish Gandhi (Supra)*. the instant petition is disposed of and the petitioner is ordered to be released on regular bail forthwith on his furnishing personal bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

11. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

12. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

NOVEMBER 19, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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