



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

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CRM-M No.65015 of 2025 (O&M)

Date of Decision:29.11.2025

Baljinder Singh @ Bindu Singh**.....Petitioner****Versus****State of Punjab****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH****Present:** Mr.Karajveer Singh, Advocate for the petitioner.

Ms. Aiman Jamal Chishti, AAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 310(4), 310(5), 191(3) and 190 of Bharatiya Nyaya Sanhita 2023, the FIR No.48 dated 17.05.2025, has been lodged in Police Station Bareta, District Mansa. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition for bail under Section 483 of Bharatiya Nagarik Surakhsa Sanhita, 2023.

2. In nut-shell, the facts emerging from the record are that the FIR of this case came into being in response to an information memo sent by ASI Avtar Singh. According to above named police officer a team headed by him was on patrolling duty on village Kulrian link road, village Dharampura, when he got a tip-off that 17-18 persons including the petitioner were sitting on a tube-well in village Dharmapura and they were armed with various weapons



and planning to commit robbery. According to above named police official, finding the information trustworthy, he visited the place along with the accompanying police officials and found that three two wheelers and one swift car had been parked there. As per prosecution, the police team conducted the raid and arrested the persons present there, including the petitioner.

3. According to prosecution since all the persons were armed with deadly weapons and they were planning to commit robbery, FIR for the commission of offence punishable under Sections 310(4), 310(5), 191(3) and 190 of BNS has been lodged and the persons present on the spot, duly arrested.

4. The learned State Counsel has filed custody certificate of the petitioner along with status report by way of affidavit of Deputy Superintendent of Police, Sub Division Budhlada, District Mansa. The same be taken on record. No formal reply has been filed by the State. However, the learned State counsel has orally opted to oppose the present petition.

5. Heard.

6. It has been contended by learned counsel for the petitioner that the petitioner is in custody for a period of more than 6 months, and that the trial is not likely to be concluded in near future. According to learned counsel for the petitioner, the petitioner has no criminal antecedents. It has also been argued by learned counsel for the petitioner that nothing is left to be recovered from the possession of petitioner and that release of the petitioner on bail is not likely to cause any prejudice to the prosecution case.

7. Per contra, the learned State counsel has argued that there are direct, specific and categorical allegations against the petitioner, with regard to



his involvement in the commission of offence, and that if released on bail he is likely to indulge in similar kind of activity. According to learned State counsel the nature of offence is so grievous that the petitioner is not entitled for the benefit of bail.

8. The record has been perused carefully.

9. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. They are:-

- i) that the petitioner has already suffered sufficient incarceration for being in custody for a period of more than 6 months days;
- ii) that nothing is left to be recovered from the possession of the petitioner;
- iii) that the trial is not likely to be concluded in near future;
- iv) that the petitioner has no criminal antecedents;
- v) that detention of the petitioner behind the bar is not likely to serve any purpose;
- vi) that there is nothing on record to show that if released on bail, the petitioner is not likely to tamper with the evidence;
- vii) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate in the trial.

10. In the present 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 also 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”.

11. 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”.

12. 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 above-mentioned 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”.

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 mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, SLP (Crl.) No.8523/2024.

14. 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 that the present petition deserves to be allowed.

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

16. 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

29.11.2025
Manoj Bhutani

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