



CRM-M-65554-2025 (O&M)

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

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CRM-M-65554-2025 (O&M)

Date of decision : 27.11.2025

Preet

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Pardeep Kumar, Advocate for the petitioner.

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

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Sections 310(4), 310(5), 191(3), and 190 of the Bharatiya Nyaya Sanhita, 2023, and Section 21 of the 'Narcotic Drugs and Psychotropic Substances Act', hereinafter being referred to as 'NDPS Act' only, the FIR No.48 dated 17.05.2025 has been lodged in Police Station Bareta, District Mansa. 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 filed by the petitioner for bail, under Section 483 of the Bharatiya Nagarik Suraksha 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 a report of 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

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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 and Section 21 of NDPS Act has been lodged and the persons present on the spot duly arrested.

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. I.P.S. Sabharwal, DAG Punjab accepts notice on behalf of respondent-State, and waives service. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. However, no formal reply has been filed by the State and learned State counsel has opted to orally oppose the present petition.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is in custody for a period of more than 06 months, and that the trial is not likely to be concluded in near future. 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. According to learned counsel for the petitioner, the petitioner is also entitled for benefit of bail on the ground of parity as his co-accused, namely Rinku and Yogesh, have already been released on bail by this Court by virtue of orders dated 25.09.2025 in CRM-M-45405-2025 and dated 15.10.2025 in CRM-M-47239-2025, respectively.

8. *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, since the nature of offence is grievous, the petitioner is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. 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 has already suffered sufficient incarceration for being in custody for a period of more than 06 months;
- ii) that nothing is left to be recovered from the possession of petitioner;
- iii) that the trial is not likely to be concluded in near future;
- iv) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;



- v) that co-accused of the petitioner, namely Rinku and Yogesh, have already been released on bail by this Court, by virtue of orders dated 25.09.2025 and 15.10.2025, respectively;
- vi) that there is nothing on record to show that if released on bail, the petitioners may tamper with the evidence or influence the witnesses; and
- vii) that there is nothing on record to show that if released on bail, the petitioners will not participate/cooperate in the trial.

11. 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”.

12. 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”.*

13. 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”.

14. 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***.

15. 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.

16. 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.



17. 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

NOVEMBER 27, 2025
Gaurav Thakur

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