

2026 PHHC 002225



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-4958-2025

Date of decision: 12th January, 2026

Harjinder Pal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vrishank Suri, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 215 dated 01.12.2020 registered under Sections 364-A, 369, 342, 506, 381, 427, 171, 120-B and 411 of IPC and Section 25 of Arms Act, 1959 at Police Station Dugri, Ludhiana, Punjab.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Pankaj Gupta on 01.12.2020, alleging therein that he had hired the petitioner as his driver some time back. On the same day, at about 1.45 PM, the petitioner had taken the complainant's two-and-a-half-year-old son, namely Vinmar Gupta, in the Swift Dzire car of the complainant for a round and did not return. The wife of the complainant made a call on the

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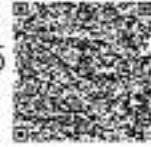


mobile phone of the petitioner, who responded by stating that he had kidnapped her son and demanded ransom money, while also threatening her with dire consequences if the matter was reported to the police. The complainant thereafter approached the police for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. During the course of investigation, the abandoned car was recovered from Kot Ise Khan Road on the same day with a fake number plate. The kidnapped child was also rescued and recovered from the house of co-accused Lal Singh and Mandeep Kaur on the same day. Shridhar Agarwal, a friend of the complainant, recorded a statement to the effect that on 01.12.2020, he had seen the petitioner driving the Swift Dzire car of the complainant, with the victim sitting on the front seat, while two other persons were sitting on the back seat, and the petitioner was seen bending near the rear number plate of the vehicle. Accused Mandeep Kaur was arrested and suffered a disclosure statement to the effect that the petitioner, along with co-accused Sukhdev Singh, had come to her house on 01.12.2020 along with the abducted child and stayed there till the morning of 02.12.2020. CCTV footage from the camera installed at the place of occurrence was also taken into possession, which revealed the footage of the abduction. The petitioner was arrested thereafter. The investigation now stands completed, and the petitioner, along with the co-accused, is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been

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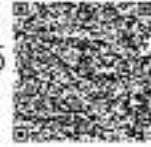
falsely implicated in the present case. He has been in custody since 01.12.2020. The trial is likely to take considerable time to conclude, as several witnesses are yet to be examined. Co-accused Mandeep Kaur and Rachpal Singh have already been extended the benefit of bail. Further incarceration of the petitioner would not serve any useful purpose. His involvement in other cases cannot be a ground to deny him the benefit of bail. The eye-witness Shridhar Aggarwal has already been examined and there is no question of his intimidating the complainant or this witness. It is, therefore, urged that the petitioner deserves to be granted the benefit of regular bail.

5. Status report has been filed. Learned State counsel has argued that there are serious and grave allegations against the petitioner. He has criminal antecedents as he is involved in several other criminal cases. There are chances of his absconding or committing similar offences if he is extended the benefit of bail. It is, therefore, stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner, in connivance with the co-accused, is alleged to have abducted/kidnapped the minor son of the complainant along with his Swift Dzire car on 01.12.2020. He is further alleged to have demanded ransom of crores of rupees. Calls were made from his own mobile phone number to the wife of the complainant. He was also seen by the eyewitness. The petitioner is, however, in custody since 01.12.2020, i.e., for a period of four

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years, eleven months, and eleven days. The trial is likely to take time to conclude, as only 15 out of 40 witnesses have been examined so far. Though the petitioner is shown to be involved in five other cases, he has been acquitted in two of them. The eye witness stands examined. The chances of conclusion of the trial in near future are bleak as substantial number of witnesses are yet to be examined. The petitioner has obviously remained in prolonged incarceration. There is nothing on record that the delay stands attributed to him. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody anymore. It is well settled preposition of law that the bail is the rule and jail is an exception. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, lest they prejudice the case of either of the parties, the petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned and subject to the condition that he will not try to contact the complainant or any other material witness of the case during the pendency of the entire trial and shall not intimidate or induce them; he shall

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attend each and every date of hearing and will not absent himself except with the permission of the trial Court and shall disclose the details of his cell phone number, permanent address(temporary address, if any) and Aadhar Card to the learned trial Court. He will also not change his cell phone number or address without intimation to the learned trial Court.

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

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

12th January, 2026
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |