



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126

CRM-M No.11737 of 2026 (O&M)

Date of Decision: 20.04.2026

RXXXXX

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

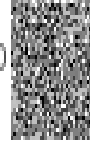
Present: Mr. Bhupeshwar Jaswal, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This is the first petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.221 dated 04.11.2024, for the commission of offence punishable under Sections 304(2), 126(2) and 3(5) of Bharatiya Nyaya Sanhita 2023, Police Station Sadar, District Jalandhar.

2. The abovementioned FIR came into being at the instance of 'Balwinder Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 31.10.2024 at about 09:00-09:30 pm, when he along with 'Bobby' was going towards his house on his motorcycle, their motorcycle was intercepted by three unknown persons, who were riding on an Activa. According to complainant, the person travelling in the middle of abovementioned two wheeler was carrying a baseball bat, whereas the person sitting on the rear most seat was carrying a datar. It was



further alleged by the complainant that when he and 'Bobby' tried to run away from the spot, the above-mentioned assailants waylaid them and inflicted injuries on their person. According to complainant, thereafter, the abovesaid assailants snatched their mobile phones, cash and the motorcycle and fled from the spot.

3. It is the case of prosecution that in view of above mentioned complaint formal FIR of this case was lodged and the investigation taken up.

5. **Notice of motion.**

6. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, DAG, Punjab, has appeared on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with. He has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State counsel has orally opposed the present petition.

7. Heard.

8. The record has been perused carefully.

9. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for a decision in the present petition:-

- i) that the petitioner is already in custody for a period of more than seven months;
- ii) that neither the names, nor the identification parade etc. of the assailants find mention in the FIR;



- iii) that the investigation in this case is already complete;
- iv) that nothing has been left to be recovered from the possession of petitioner;
- v) that the co-accused, on whose disclosure statement the petitioner has been arrested in the present case, is already on bail;
- vi) that the detention of petitioner in judicial lock-up 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;
- viii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

10. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, 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”.

11. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 SCC 51 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’, 2025 SCC Online SC 322, 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”.

13. 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 an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

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 furnishing personal bond and surety bond(s) to the



satisfaction of learned trial Court. However, the abovesaid benefit shall be subject to 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 disclosing 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 trial Court.

16. It is, however, made clear that any observation made hereinabove is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

17. However, before parting ways with the present order it shall be appropriate to note here that in the present case on the basis of allegations contained in the FIR a *prima facie* case of robbery is made out, but instead of registering the case for the commission of offence under Section 311 of BNS the case has been lodged under Section 304(2) of BNS. In order to find out the background responsible for invoking a wrong section in this case, let the Investigating Officer and his supervisory Officer, i.e. DSP concerned submit an explanation why a case of robbery has been converted



into a case of snatching. Both of them are directed to appear in person on 01.05.2026.

List on 01.05.2026 in IOIN category.

(SURYA PARTAP SINGH)
JUDGE

20.04.2026
Manoj Bhutani

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