



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

208

CRM-M-11682-2026 (O&M)
Date of decision : 18.04.2026

Rakesh Mahajan

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Viren Sibal, Advocate for the petitioner.

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

SURYA PARTAP SINGH, J.

This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.191 dated 11.10.2025, for the commission of offence punishable under Sections 103, 109, 190, 191(3), 61(2), 249 of Bharatiya Nyaya Sanhita, 2023, and Sections 25 and 27 of Arms Act, Police Station City Batala, Police District Batala, District Gurdaspur.

2. The abovementioned FIR came into being at the instance of 'Amandeep Kumar', hereinafter being referred to as 'complainant' only. It was stated by the complainant that on 10.10.2025 at about 08:30 pm, he had visited the showroom of his brother-in-law, namely 'Sudhir Chanda', situated near Chowk Jassa Singh Ramgarhia, Batala. According to



complainant, in the abovementioned showroom 'Chander Chanda', the younger brother of his brother-in-law, along with 'Sarabjit Singh @Kaka', 'Kanav Mahajan' and employees of showroom, namely 'Sanjeev Seth', 'Amritpal Singh' etc., were present.

3. It was further alleged by the complainant that after ten minutes, 'Kanav Mahajan' and 'Sarabjit Singh @Kaka' went outside the showroom, where 2-3 young persons were already present. As per complainant, in the meanwhile, four young persons riding on motorcycles came there. According to complainant, two of them picked-up revolvers/pistols from their waistbands and fired indiscriminately towards 'Kanav Mahajan' and 'Sarabjit Singh @Kaka'. It was further alleged by the complainant that on hearing the noise of gun-shots, 'Chander Chanda' and 'Amritpal Singh' rushed outside the showroom, but two young men arrived on foot, joined the former assailants and fired gunshots. According to complainant, in the abovementioned incident, all of them suffered injuries, but the injuries suffered by 'Sarabjit Singh @Kaka' and 'Kanav Mahajan' proved to be fatal.

4. It is the case of the prosecution that in view of abovementioned information, formal FIR in this case was lodged and the investigation taken up. According to prosecution, during the course of investigation 'Rakesh Mahajan' (the petitioner herein) and his wife 'Rajni Mahajan' were arrested on the basis of secret information. As per prosecution, on interrogation the petitioner suffered a disclosure statement, wherein he disclosed that his co-accused 'Jagdeep Singh @Jaggu Bhagwanpuria', 'Mandeep Singh



@Manna', 'Amandeep Singh', 'Harry Chatha' and 'Amit Mahajan' are involved in illegal activities, such as extortion, drug trafficking and kidnapping in the State of Punjab and other States, and that they have formed a network of criminals.

5. According to prosecution, the petitioner further disclosed that the illegal money, collected through the abovementioned illegal activities, used to be deposited within him and his wife 'Rajni Mahajan', and the said money was transferred through different channels to their son 'Keshav Shivala', who further supplied the money to the shooters for carrying out criminal acts.

6. The learned State Counsel 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. It has been contented on behalf of the petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he is in custody for a period of more than six months. As per learned counsel for the petitioner, there is no allegation against the petitioner that he was present on the spot at the time of commission of offence, or that he was actively involved in any manner, whatsoever, in the commission of offence.



9. In addition to above, the learned counsel for the petitioner has also contended that benefit of bail has already been accorded to the similarly placed co-accused.

10. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, the petitioner has been nominated in the present case on the basis of secret and credible information to the effect that he was actively associated with the criminal network. It has been contended by learned State Counsel that the petitioner was actively safeguarding and managing extortion money on behalf of the gang members, and used to provide financial assistance to them. According to learned State Counsel, the petitioner's act of harbouring the shooter in a case involving a gruesome double murder and multiple firearm injuries, establishes his active complicity, disentitling him from the concession of bail.

11. The record has been perused carefully.

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

- i) that the petitioner is already in custody for a period of more than six months;
- ii) that petitioner has no criminal antecedents;
- iii) that the only allegation against the petitioner is about harbouring of main accused, but to support the abovementioned allegations, except his disclosure statement, no other evidence has been collected by the Investigating Officer. With regard to



disclosure statement, there is a question mark about its credibility & admissibility in evidence, as the same was recorded when the maker of it was in police custody. Since pursuant to above-mentioned disclosure statement no recovery of incriminating material has taken place, *prima facie* the abovementioned statement appears to be hit by Section-23 of Bharatiya Sakshya Adhiniyam;

- iv) that the benefit of bail has already been accorded to the co-accused;
- v) that the trial is not likely to be concluded in near future;
- vi) that the investigation in this case is already complete, and therefore, nothing has been left to be recovered from the possession of petitioner;
- vii) that the detention of the petitioner in judicial lockup is not likely to serve any purpose;
- viii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- ix) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

13. 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(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”.

14. 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) 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”.

15. 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”.

16. 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”, 2024 SCC Online SC 4354.

17. 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.



18. 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 abovementioned concession 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 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.

(SURYA PARTAP SINGH)
JUDGE

18.04.2026
Gaurav Thakur

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