



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-13577 of 2026

Date of Decision: 17.03.2026

Sajan Singh alias Gulabi

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner(s).

Mr. Rohit Bansal, Senior Deputy Advocate General,
Punjab.

Surya Partap Singh, J.

1. This petition for bail is the second 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. 318 dated 19.09.2022, for the commission of offence punishable under Section(s) 508, 379-B and 149 [Section 201 added later on] of 'the Bharatiya Nyaya Sanhita, 2023' Police Station Maqboolpura, Police Commissionerate Amritsar, District Amritsar, Punjab.

2. The FIR of this case came into being at the instance of 'Munish hereinafter being referred to as "complainant" only. It was stated by the above named complainant that on 19.09.2022 at about 05.00 A.M. he was going to vegetable market, along with his brother, namely 'Tanish Sharma'.

on two different motorcycles came and stopped them. According to complainant one of them was carrying pistol type object, another one a 'dattar' and third one a gun, and that by threatening them by brandishing their weapons, they snatched ₹2,500/- and debit card etc. from 'Tanish Sharma' and ₹16,000/- from the complainant.

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

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. Rohit Bansal, Senior Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1-State. Hence, service of notice upon the State is hereby dispensed with.

6. Heard.

7. The record has been perused carefully.

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

- i) that the petitioner has already suffered a prolonged incarceration for a period of more than three years & three months;
- ii) that the trial is taking place at a very slow pace as out of seventeen prosecution witnesses, none has been examined, so far;
- iii) that nothing is left to be recovered from the possession of

the petitioner;

- iv) that the first bail petition of the petitioner was got decided on merits and from the date of dismissal of first bail petition no significant progress in trial has taken place. Thus, the petitioner has got a right to file the second petition for bail;
- v) that trial of the case is not likely to be concluded in near future;
- vi) that further detention of the petitioner is not likely to produce a fruitful result;
- vii) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- viii) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

9. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court of India in the case of 'Dataram v. State of Uttar Pradesh and Another' (2018) 3 Supreme Court Cases 22, has 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 instaps 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.”

10. 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 Supreme Court Cases 51, are also relevant in this case. In the above mentioned 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.”

11. Recently, in the case of ‘Tapas Kumar Palit v. State of Chhattisgarh’, 2025 SCC Online SC 322 the Hon’ble Supreme Court of India 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.”

12. 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.

13. If the cumulative effect of all the above mentioned 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.

14. 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 above said concession shall

be subject to following conditions:-

- a) 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;
- b) 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 conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

15. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(Surya Partap Singh)
Judge

March 17, 2026
“DK”

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