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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-16089-2026

Date of decision: 22nd April, 2026

Jagdish Singh @ Jagga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amarjeet Singh Prajapati, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the third petition 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. 66 dated 28.06.2023 registered under Sections 392 of IPC (Section 379-B(2) and 201 of IPC added later on) at Police Station Kathu Nangal, District Amritsar Rural. His previous two petitions had been dismissed as withdrawn.

2. The aforementioned FIR was registered on the basis of statement got recorded by the complainant Rajesh Kumar that on the evening of 28.06.2023, he along with his brother Sanjiv Kumar was present in his grocery shop when three youths reached there by riding on a motor bike which was not having any number plate. They parked their vehicle in front of his shop. They were holding swords. They came to the shop of the complainant and by showing swords and threatening them, one of them grabbed the mobile phone

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of the complainant kept on the counter of his shop and also a sum of Rs. 15,000/-. His brother and himself raised clamour and on hearing the same, some persons from the neighbourhood rushed towards the shop and managed to apprehend one of them. On asking, he disclosed his name as Karanbir Singh @ Kannu. Two of them managed to flee. The complainant from accused Karanbir Singh @ Kannu came to know their names as Jagdish Singh @ Jagga, i.e. the present petitioner and co-accused Harpreet Singh @ Happy. While handing over custody of accused Karanbir Singh @ Kannu to the police, prayer had been made for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. The petitioner and co-accused Harpreet Singh @ Happy were arrested on 30.06.2023. On interrogation, they suffered disclosure statements admitting their involvement in the crime. Accused Harpreet Singh got recovered a sword. Offence under Section 201 of IPC was added. Investigation now stands completed. The petitioner had previously filed two petitions which were dismissed as withdrawn.

4. It is argued by learned counsel for the petitioner that ever since dismissal of the previous petitions as filed by him, trial has not been concluded as yet and there are no chances of conclusion of the same in near future. He is in custody since 30.06.2023. Co-accused Karanbir Singh @ Karan has been extended benefit of regular bail. On parity, he too deserves to be extended the same benefit. No useful purpose would be served by detaining him in custody anymore. It is, thus, argued that the petition deserves to be allowed.

5. Status report and custody certificate have been filed by

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respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail. Moreso, the instant petition, being a successive petition, is not maintainable. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner along with the co-accused is alleged to have robbed the complainant of his mobile phone and cash amount of Rs. 15,000/- after entering into his shop on the fateful day and is further alleged to have caused disappearance of evidence of offence. The allegations make out a *prima facie* case against him. However, he has been in custody for a period of about 02 years and 10 months. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. It is also well settled

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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 detaining the petitioner in custody. It is also well settled preposition of law that the bail is the rule and jail is an exception and that pre-trial incarceration should not be a replica of post-conviction sentence. Similarly situated co-accused has been extended benefit of bail. Keeping in view the above discussed facts and circumstances, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

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

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

[MANISHA BATRA]
JUDGE

22nd April, 2026
Parveen Sharma

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