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2026:PHHC:059982



245 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of decision: April 21, 2026

RAM LAL

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM:- HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Simranpreet Singh, Advocate for the petitioner.

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

SURYA PARTAP SINGH, J. (ORAL)

1. This is third petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023' (for short – 'BNS'). This petition pertains to a case arising out of FIR No.114 dated 20.11.2025, for the commission of offence punishable under Sections 109, 132, 324(4), 3(5) of Bhartiya Nyaya Sanhita, 2023 and Sections 25, 54, 59 of Arms Act, Police Station Ladhuwal, District Ludhiana.

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2. The abovementioned FIR came into being at the instance of 'Inspector Navdeep Singh'. It was reported by the above named police officer that on 20.11.2025, when he was leading a team of police officials, at the old Octroi Post, Jalandhar Bypass, Ludhiana, a tip-off was given by a reliable source that Deepu and Ram Lal, who were wanted in a criminal case, were carrying illegal pistols and that they were waiting for their associates at the Toll Plaza bypass. Accordingly to the above named police officer, in view of the above mentioned information, he alongwith his team went to the place where the above mentioned two persons were stated to be present. As per above named police officer, the moment the above named persons noticed that police party was approaching them, they fired three gun shots, but the police party managed to save itself. It was further reported by the above named police officer that in self-defence, they too fired a gun shot and one of the above mentioned two young boys suffered gun shot injury in the above mentioned process.

3. It is the case of prosecution that in view of above mentioned report, formal FIR of this case was lodged and the investigation taken up. As per prosecution during the course of investigation the petitioner was arrested.

4. **Notice of motion.**

5. Since advance notice has already been served upon the State, Mr. I.P.S. Sabharwal, DAG, Punjab, has appeared on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

6. Heard.

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7. It has been contended by learned counsel for the petitioner that petitioner is innocent who has been falsely implicated in the present case and that he has already suffered a prolonged incarceration for a period of more than four months and eighteen days. According to learned counsel for the petitioner, except one case under the Arms Act, the petitioner has clean antecedents and that investigation in this case is already complete. As per learned counsel for the petitioner, nothing has been left to be recovered from the possession of petitioner. In view of the above, the learned counsel for the petitioner has contended that petitioner is entitled to the benefit for bail.

8. The learned State counsel has controverted the above mentioned arguments. According to learned State counsel in the present case, allegations against the petitioner are with regard to commission of serious nature offence, as the petitioner and his co-accused had fired gun shots upon the police party. According to learned State counsel in view of gravity of offence, the petitioner is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. 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 four months and eighteen days;
- ii) that no injury, whatsoever, was suffered by any member of the police party;
- iii) that the investigation in this case is already complete;

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- iv) that nothing has been left to be recovered from the possession of petitioner;
- v) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- vi) that the trial of this case is not likely to be concluded in near future;
- 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.

11. 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

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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”.

12. 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”.

13. 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

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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”.

14. 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.

15. 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.

16. 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

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iii) that the petitioner shall not leave India without prior permission of trial Court.

17. 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.

April 21, 2026
Rts

(SURYA PARTAP SINGH)
JUDGE

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