



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

(243)

**CRM-M-17546-2026(O&M)
DATE OF DECISION:19.05.2026**

Harpal Singh @ Goldy

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Kirat Singh Sidhu, Advocate, for the petitioner.
Mr. Subhash Godara, Addl. AG, Punjab.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS 2023') for grant of regular bail to the petitioner in case bearing FIR No.66 dated 16.05.2021, under Sections 380, 457 and (201 added later on) of Indian Penal Code (for short 'IPC'), registered at Police Station Tarn Taran.

2. Allegations against the petitioner are that he, along with the accused persons tress-passed into the house of the complainant and committed theft of gold ornaments and cash.

3. Learned counsel for the petitioner prays for grant of regular bail to the petitioner on the following grounds:

i. That the petitioner was facing trial under Sections 380, 457 and 201 IPC and had been granted bail on 11.06.2021 by the learned ACJM, Tarn Taran. However, on account of his non-appearance during trial proceedings, his bail was cancelled, bail/surety bonds were forfeited to the State. Subsequently, he was declared a proclaimed person vide order dated 17.10.2025 and



petitioner voluntarily surrendered before the learned trial Court.

ii. That the petitioner is in custody for the last more than six months and

iii. That trial will take sufficient time to conclude and no fruitful purpose would be served by keeping the petitioner behind the bars.

4. On the other hand, Mr. Subhash Godara, Addl. AG, Punjab, appears on behalf of respondent/State and files custody certificate of the petitioner, same is taken on record. Learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner on the following grounds:

i. That the petitioner has misused the concession of bail granted by learned trial Court and due to his absence, his bail bonds and surety bonds were cancelled and non bailable warrants were issued qua him and ultimately he was declared proclaimed person.

However, learned counsel fairly admitted that the petitioner is not involved in any other case except the present one.

5. Heard.

6. Taking into consideration the contentions of the learned counsel for the petitioner as well as learned State counsel and the totality of the circumstances of the case, this Court is of the considered view that concession of bail cannot be denied just as measure of punishment, as culpability of the accused will be decided at the final stage by the trial Court after appreciating the evidences adduced by both sides, and it is trite



principle of criminal jurisprudence that bail is rule, jail is an exception. Accordingly, this Court deems it a fit case to grant the concession of regular bail to the petitioner on the following aspects:

- i. That petitioner was earlier granted concession of bail on merit by the learned trial Court, however, owing to his non appearance, his bail and surety bonds were cancelled and he was subsequently declared a proclaimed person;
- ii. That the petitioner is in custody for the last six months and twenty five days;
- iii. That trial will take sufficient time to conclude and
- iv. That no fruitful purpose would be served by keeping the petitioner behind the bars.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is **allowed**. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. All pending misc. applications, if any, be also disposed of.

19.05.2026
mamta

(SUBHAS MEHLA)
JUDGE

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