



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.234

CRM-M-17104-2026
Decided on : 19.05.2026

Mukesh Kumar @ Ganja

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Raghav Goyal Chandiwalla, Advocate
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.70 dated 02.05.2024, registered under Sections 459, 394, 325, 411, 201, 34 IPC and Section 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station City Malout, District Sri Muktsar Sahib.
2. Brief facts, as per the prosecution case are that the petitioner alongwith co-accused trespassed into the house of complainant; committed theft of Rs.6,00,000/-, 06 tolas gold and silver ornaments from his house and caused injuries to his mother. Hence, the present FIR.
3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further



contends that the allegations levelled against the petitioner are false and he has no concern with the said offence. It has also been contended that no specific role has been attributed to the petitioner which connect the petitioner with the said offence. No recovery is to be effected from the petitioner. The petitioner is in custody since 06.05.2024. The investigation in this case is complete; challan stands presented; charges have been framed and out of 25 prosecution witnesses, only 01 has been examined till date. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the present petition deserves to be allowed.

4. Learned State counsel has filed the status report as well as custody certificate which are taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is also involved in multiple other cases meaning thereby he is a habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 02 years and 12 days; the investigation in this case is complete; challan stands presented; charges have been framed; out of 25 prosecution witnesses, only 01 has been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.



6. Reliance in this regard is placed upon a judgment of Hon'ble Supreme Court in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. The foundational concept of the criminal jurisprudence is to ensure speedy trial. The Hon'ble Supreme Court has repeatedly reiterated that right to speedy trial is enshrined in Article 21 of the Constitution of India. Speedy trial would cover investigation, enquiry, trial, appeal, revision and retrial etc. i.e. everything starting with the accusation against the accused and expiring with the final verdict of the last Court.

8. In this regard, reference is being made to the law laid down by the Hon'ble Supreme Court in the context of right to speedy trial under Article 21 of the Constitution of India on the following decision:- ***Akhtari Bi Vs. State of M.P., (2001) 4 SCC 355, Surinder Singh Alias Shingara Singh Vs. State of Punjab, (2005) SCC (CrI) 1674, P. Ramachandra Rao Vs. State of Karnataka, (2002) 4 SCC 578, Babu Singh and others Vs. State of U.P., (1978) 1 SCC 579, Takht Singh and others Vs. State of M.P., (2001) 10 SCC 463; Special Leave to Appeal (CrI) No.2356 of 2010, Kushal Singh Vs. State of U.P. (2JJ.) and Fazal Vs. State of Uttar Pradesh, (2012) 5 SCC 752***

9. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs.***



State of U.P. and another, 2012 (2) SCC 382 in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

10. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

11. All miscellaneous application(s), if any, stands disposed of accordingly.

19.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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