IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

221 **CRM-M-17401-2026 (O&M)**
Date of decision : 07.05.2026

Rahul Singh @Rahul

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Vipin Mahajan, Sr. Advocate with
Ms. Ekakshra Mahajan Mandhar, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

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SURYA PARTAP SINGH, J.

This petition for bail is the first 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.84 dated 11.08.2025, for the commission of offence punishable under Sections 109, 3(5), 191(3), 190 of Bharatiya Nyaya Sanhita, 2023, and Sections 25 & 27 of Arms Act, Police Station Qila Lal Singh, Ghuman, Police District Batala, District Gurdaspur.

2. The abovementioned FIR came into being at the instance of 'Joga Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 11.08.2025, when he was sitting on the counter of his medical store, a motorcycle carrying two

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persons came there. As per complainant, out of abovesaid two persons, one fired a gunshot and injured him.

3. It is the case of prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up. According to prosecution, during the course of investigation, the Investigating Officer got a tip-off from a reliable source, qua the fact that co-accused Sarabjit Singh and Lovepreet Singh were involved in the commission of offence. The prosecution has further alleged that when investigation in the present case was going on, Sarabjit Singh and Lovepreet Singh were arrested in some other case and thereafter, they were taken into custody.

4. The prosecution further alleged that during the course of further investigation, the petitioner was identified as an active participant in the conspiracy, specifically acting as the accomplice, who accompanied Sarabjit Singh @Noor to deliver Rs.10,000/- to the primary assailants following the shooting of Joga Singh. According to prosecution, during the course of interrogation, the abovementioned accused Sarabjit Singh suffered a disclosure statement, wherein he disclosed that the petitioner was physically present during the delivery of funds and further conspired with Kawalpreet Singh to obstruct the administration of justice by instructing Sarabjit Singh to falsely implicate an innocent third party ‘Jarman Singh’ in the event of an arrest.

5. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. Short reply has already been placed on record by the State.

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6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner has already suffered incarceration for a period of more than six months. It has also been contended by learned counsel for the petitioner that except the disclosure statement of co-accused, there is no other evidence against the petitioner.

9. The learned State Counsel has controverted the abovementioned arguments. It has been contended by learned State Counsel that the disclosure statement suffered by co-accused of the petitioner makes it abundantly clear that the present petitioner had provided logistic and monetary support to the main accused and therefore, in view of gravity of offence, the petitioner is not entitled for the benefit of bail.

10. The record has been perused carefully.

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

i) that the petitioner is in custody for a period of more than six months;

ii) that the petitioner has clean antecedents;

iii) that as per case set-up by the prosecution, the petitioner was not present on the spot at the time of occurrence;

iv) that the only allegation against the petitioner is that he had provided logistic and monetary support to the main accused;

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v) that there is nothing on record to show that the petitioner was part of a conspiracy for the commission of abovementioned offence;

vi) that the only evidence, collected by the investigating agency against the petitioner is the disclosure statement of co-accused of the petitioner, and there is a question mark with regard to credibility & admissibility of above-mentioned statement in evidence, as the same was recorded when the co-accused was in police custody. Since pursuant to above-mentioned disclosure statement no recovery of incriminating material or discovery of fact has taken place, *prima facie* the abovementioned statement appears to be hit by Section-23 of Bharatiya Sakshya Adhiniyam;

vii) that the investigation in this case is already complete, and therefore, nothing has been left to be recovered from the possession of petitioner;

viii) that the trial is not likely to be concluded in near future, as the charges have not yet been framed in this case;

ix) that the detention of the petitioner in judicial lockup is not likely to serve any purpose;

x) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and

xi) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

12. 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(2) R.C.R. (Criminal) 131, are also

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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 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".

13. The principles laid down by the Hon'ble the Supreme Court of India in the case of 'Satender Kumar Antil Vs. Central Bureau of Investigation and Another', (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

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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".

14. 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 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".

15. 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

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by Hon'ble Apex court in **"**Balwinder Singh versus State of Punjab and Another", 2024 SCC Online SC 4354.

16. If the cumulative effect of all the abovementioned 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.

17. 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 abovementioned concession 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 to disclose 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

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

(SURYA PARTAP SINGH)
JUDGE

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Whether speaking / reasoned Yes/No
Whether Reportable Yes/No

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