

2026:PHHC:060010



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-20147-2026

Date of decision: 21st April, 2026

Baldev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kulwinder Singh Lakhanpal, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the second 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. 34 dated 18.03.2025 registered under Sections 304, 111 and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 317(2)/(5) of BNS added later on) at Police Station Bullowal, District Hoshiarpur. His previous petition bearing CRM-M-No. 43813-2025 had been dismissed as withdrawn vide order dated 10.12.2025.

2. As per the allegations, on 13.03.2025, the complainant Surinder Singh along with his grandson Jaskaran Kumar had gone to village Nandchor on an e-rickshaw, which was driven by his grandson. When they had crossed

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the fields of Harbhajan Singh Bagaria, a scooter reached there from back side. Three persons were riding the same. They stopped the e-rickshaw. Two of them alighted from the same. One of them was holding a *kirpan*. They asked the complainant and his grandson to give whatever they were having. They snatched cash amount of Rs. 500/- and 650/- respectively from the complainant and his grandson and cell phone of his grandson and then fled away while extending threats to them. The complainant alleged that he had made search at his own level and had come to know that the petitioner along with the accused Ravi @ Mattu and Ajay Kumar had committed the subject offence. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 23.03.2025 and is in custody since then.

3. It is argued by learned counsel for the petitioner that ever since dismissal of the previous petition as filed by him, trial has not progressed further and not even a single witness has been examined so far. He has been in custody for a period of about 01 year and 01 month. He is not required for further investigation. Each day spent by him in custody has given rise to a fresh cause of action for seeking bail. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. Co-accused Ravi has been extended benefit of bail. On parity, he too deserves the same benefit. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is

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ready to argue the matter. While placing on record the custody certificate, it is argued by him that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. Moreso, the instant petition, being a successive petition, is not maintainable. 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 snatched money and mobile phone from the complainant and his grandson as on 13.03.2025. He has been in custody since 23.03.2025. Though the allegations make out a case for commission of subject offences against him, however, he has remained in custody for a period of over 01 year. There are no chances of conclusion of trial in near future as no prosecution witness has been examined so far. The petitioner is in custody for a period of about 01 year and 01 month. 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

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reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. It is also well settled 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 proposition 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 Ravi has been extended benefit of bail. Keeping in view the above facts and circumstances, this Court is of the considered opinion that the petition deserves to be allowed. Hence, 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. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st April, 2026

Parveen Sharma

1. Whether speaking/ reasoned

: Yes / No

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2. Whether reportable : Yes / No