

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

229

**CRM-M-21843-2026 (O&M)
Decided on : 12.05.2026**

Akashdeep Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

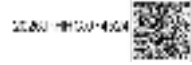
Present: Mr. Amardeep Singh, Advocate and
Mr. Penny Sachdeva, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral)

This petition is the first petition for bail, filed by the petitioner under Section 483 of 'the Bharatiya Nagrik Suraksha Sanhita', 2023. It has been filed with regard to a case arising out of FIR No.44 dated 20.05.2025, for the commission of offence punishable under Sections 308(4), 351(2), 249 and 61(2) of Bharatiya Nyaya Sanhita, 2023, Police Station Khilchian, District Amritsar.

2. The FIR of this case came into being at the instance of 'Rajinder Kumar' hereinafter being referred to as 'complainant' only. It was stated by the abovenamed complainant that he was a cloth merchant and that on 09.05.2025 he received a WhatsApp call on his phone from mobile No.+351926593285 and the caller demanded a ransom of Rs.50 lakhs. According to complainant the caller threatened him that if the abovementioned demand was not met, the complainant would be killed.



3. It was further stated by the complainant that on 17.05.2025 another call came from another mobile number, i.e. +351964552025 at about 12:30 P.M. and the same demand was raised.

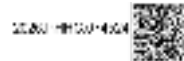
4. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

5. **Notice of motion.**

6. Mr. Rohit Bansal, Sr. DAG Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed short reply as well as custody certificate of the petitioner. The same be taken on record.

7. Heard.

8. It has been contended by learned counsel for the petitioner that the petitioner is innocent who has been roped-in in the present case without any legally admissible in evidence. According to learned counsel for the petitioner in the present case, the FIR has been lodged for the commission of offence punishable under Sections 308(4), 351(2), 249 and 61(2) of Bharatiya Nyaya Sanhita, 2023 and that against the petitioner the only evidence collected by the Investigating Agency is the disclosure statement of petitioner. It has also contended by learned counsel for the petitioner that as per story set-out by the prosecution, the role attributed to the petitioner is that he provided requisite shelter and money to the members of the gangs who was supposed to carry out the shooting. It has further been contended by learned counsel for the petitioner that neither the shooting in this case has



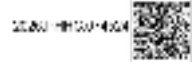
taken place nor the ransom was ever paid and therefore, no offence against the petitioner is made out.

9. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel there are specific allegations against the petitioner qua the fact that he was member of a gang involved in the illegal activities of extortion of money and that disclosure statement has been suffered by the co-accused which implicates the petitioner in the commission of offence.

10. The record has been perused carefully.

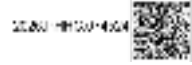
11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i. that the petitioner is already in custody for a period of more than three months;
- ii. that the offence is triable by Magistrate;
- iii. that the maximum prescribed for the offence is imprisonment upto seven years;
- iv. 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;



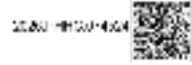
- v. that the role attributed to the petitioner is not that he had made the call or that he was supposed to carry out the shooting. In fact, the only role attributed to the petitioner is that he was supposed to provide shelter and money to the shooters. However, qua abovementioned allegation no specific evidence except the above-discussed disclosure statement has been collected;
- vi. that investigation in this case is already complete and therefore, nothing has been left to be recovered from the possession of petitioner;
- vii. that the trial is not likely to be concluded in near future;
- viii. that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- ix. 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
- x. 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 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 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”.

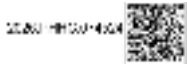


14. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be 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 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

12.05.2026
Vinod

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