



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

**CRA-S-1375-2026 (O & M)
Date of decision: 18.05.2026**

GURWINDER SINGH

...APPELLANT

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Gurmohan Singh Bedi, Advocate;
Mr. Pawandeep Singh, Advocate;
Mr. Arshadveer Singh, Advocate and
Ms. Ambika Bedi, Advocate
for the appellant.

Ms. Navreet K. Barnala, AAG, Punjab.

Respondent No.2/complainant in person.

SUBHAS MEHLA, J. (ORAL)

CRM-17299-2026

Allowed as prayed for.

CRM-17300-2026

Present application seeking interim bail to the petitioner stands
disposed of as having been rendered as infructuous.

MAIN CASE

1. Present appeal has been filed assailing the order dated
09.04.2026, whereby, regular bail to the appellant has been declined in FIR
No.16 dated 19.02.2021 registered under Sections 3(1)(x) of the Scheduled
Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police
Station Bhadson, District Patiala.



2. Allegations against the appellant are that he cheated the complainant/respondent No.2 for an amount of ₹5.5 lakh on the false promise of government jobs for his children. Further, the appellant refused to return the money, threatened the family of the complainant, and when repayment was demanded, appellant used caste-based derogatory remarks against the complainant's wife.

3. Learned counsel for the appellant prayed for grant of regular bail to the appellant on the following grounds:

- i. In the present case, a cancellation report was filed after the completion of the investigation but the same was not accepted and the appellant was summoned to face the trial.
- ii. Earlier, the appellant was granted the concession of anticipatory bail vide order dated 22.03.2024 passed by learned Additional Sessions Judge, Patiala (Annexure P-9), but subsequently, the same was cancelled vide order dated 24.03.2026 (Annexure P-12).
- iii. Aggrieved by the same, the appellant approached this Court by way of filing a petition bearing **CRM-M No.17166 of 2026**, which was dismissed as withdrawn vide order dated 30.03.2026.
- iv. Investigation is complete, final report under Section 193 BNSS has been filed and the case before the trial Court is now fixed for consideration on charge.
- v. In support of his contentions, learned counsel placed reliance upon the judgment passed by Hon'ble Supreme Court in **Gunjan**



@ Girija Kumari and others vs. State (NCT of Delhi) and another' Law Finder Doc Id # 2896052.

4. Learned State counsel assisted by respondent No.2 opposed the prayer made by the appellant on the following grounds:

- i. Previously, the bail obtained by the appellant, was cancelled on account of suppression of material facts.
- ii. Allegations levelled against the appellant are serious in nature.

5. Heard.

6. Given the nature of order this Court proposes to pass, no notice is required to be issued to respondent No.2.

7. Keeping in view the facts and circumstances of the present case and taking into consideration the following facts:

- i. The petitioner is in custody since 24.03.2026.
- ii. Investigation is complete, final report under Section 193 BNSS has been filed and the case before the trial Court is now fixed for consideration on charge.
- iii. Trial will take sufficient time to conclude.
- iv. No fruitful purpose would be served by keeping the petitioner in custody for any further period.

8. Concession of bail cannot be denied just as a measure of punishment as culpability of accused is to be decided after appreciating evidence adduced by both the parties. It is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioners.



9. Therefore, without expressing any opinion on the merits of the case, the instant appeal is allowed. The appellant is ordered to be released on regular bail on his furnishing requisite fresh bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned. The trial Court is directed to impose such conditions, as it deems fit, to secure the presence of petitioner.

May 18, 2026
manisha

(SUBHAS MEHLA)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |