

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

235

CRM-M No.21896 of 2026 (O&M)

Date of Decision: 27.04.2026

Sehajdeep Singh @ Sehajbir Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

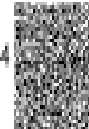
Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This is first petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.127 dated 21.07.2025 for the commission of offence punishable under Sections 308(4), 125, 351(2), 61(2) [Section 111 added later on] of Bharatiya Nyaya Sanhita 2023 and Section 25 of Arms Act, Police Station Ghuman, Batala District Batala (Gurdaspur).

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on 21.07.2025 on the statement of 'Rupinder Singh @ Romi'. According to prosecution, the above-named complainant stated that in the intervening night of 20/21st July, 2025 at about 12:40 A.M, he heard a commotion on his gate, and when he went to the roof to see what was happening on the gate, he did not find anybody, and therefore, he went to sleep. According to complainant in next morning he found that there were two



empty cartridges lying near his gate, and there was a bullet mark, also, on the gate also.

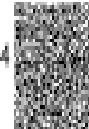
3. It was further stated by the complainant that on the same day, he received a WhatsApp call on his mobile number from a person, who disclosed his name as 'Mannu Agwan'. According to complainant, the above-named caller demanded a ransom of Rs.50,00,000/- by threatening that, if the money was not paid, the complainant would be done to death.

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. As per prosecution, during the course of investigation it was found that on 24.07.2025, another call was received by the complainant, which was made by 'Rana Partap Singh', presently residing in America, who had reiterated the demand of ransom. According to prosecution, subsequently the supplementary statement of complainant was recorded, who nominated 'Rana Partap Singh' and his brother 'Ranpreet Singh'. The prosecution has alleged that in view of abovementioned development, the petitioner has been arrested.

5. **Notice of motion.**

6. Since advance notice has already been served upon the State, Mr. I.P.S. Sabharwal, DAG, Punjab, has appeared on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with. He has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State counsel has orally opposed the present petition.

7. **Heard.**



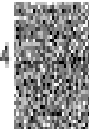
8. It has been contended on behalf of petitioner that the petitioner is innocent, and that without any basis and without any evidence, he has been arrested in the present case. According to learned counsel for the petitioner, nothing has been recovered from the possession of the petitioner but he is facing prolonged incarceration. While pleading that the trial is not likely to be concluded in near future, the learned counsel for the petitioner has urged for the benefit of bail for the petitioner.

9. *Per contra*, the learned State Counsel has argued that the petitioner is member of a gang, involved in the crime of collecting ransom, and that there is very specific evidence with regard to call, made by the co-accused of the petitioner, demanding ransom from the complainant. The learned State Counsel has further contended that if the petitioner is released on bail, he may hamper the investigation and influence the witnesses.

10. The record has been perused carefully.

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

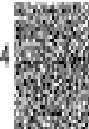
- i) that the petitioner is already in custody for a period of more than two months;
- ii) that except the supplementary statement of complainant, which was recorded on the basis of alleged secret information, there is no evidence to establish link between the commission of crime and the petitioner;
- iii) that nothing has been recovered from the possession of



petitioner to show that the petitioner has got any kind of link with the commission of crime;

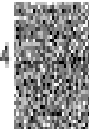
- iv) that even the weapon of offence allegedly used for the purpose of firing gunshots has not been recovered by the Investigating Officer, despite the fact that the petitioner is in custody for a period of more than 02 months;
- v) that the investigation in this case is already complete, and the final report has been filed in the Court;
- vi) that the trial is not likely to be concluded in near future;
- vii) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- viii) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- ix) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in 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) 3 SCC 22, 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 v. Central Bureau of Investigation’ (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



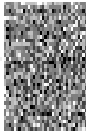
with continued custody would be a case of grave injustice”.

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 an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

16. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession 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 abovesaid benefit 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 from disclosing 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 trial Court.

18. It is, however, made clear that any observation made hereinabove is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

27.04.2026
Manoj Bhutani

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