

2026:PHHC:067932



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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-23329-2026****Date of Decision: 01.05.2026**

Akash Deep Singh @ Rakesh @ Kaka @ Kaku @ Akashdeep ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**Present:** Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, accused in case bearing FIR No.295 dated 23.12.2022 registered against him, for commission of offences punishable u/s 354/354A/354-D(2)/201/406/506/509/323/341/427 IPC and Section 12 POCSO Act, P.S. City Kapurthala, Distt. Kapurthala, has prayed for grant of bail.

2. Documents on record reveal that vide order dated 05.12.2023 passed by a Coordinate Bench of this Court in CRM-M-47084-2023, petitioner was granted concession of bail in the present case. Pursuant thereto, he continued appearing before the Court concerned, however, on one such occasion he could not appear nor an application seeking his examination from appearance was filed. Resultantly, his bail was cancelled, bail bonds and surety bonds were cancelled and forfeited to the State. NBWs were issued to procure his presence. Since the same remained unexecuted, proclamation proceedings were initiated and finally he(P) was declared 'Proclaimed Offender' on 30.01.2025.

3. Learned counsel for the petitioner contends that during this period, petitioner was implicated in other false case FIR No.85 dated 01.04.2025 u/s 75(2), 78(2), 351(3) BNS and Section 8 and 12 of POCSO Act, P.S. City Kapurthala, Distt. Kapurthala and had been in custody since April, 2025. However, vide order dated 30.10.2025, passed by a Coordinate Bench of this Court in CRM-M-41533-2025 (Annexure P-4), he was granted the concession of bail in the said case. Further, as per learned counsel, petitioner was arrested in the present case on 16.10.2025 and has been in custody since then.

Learned counsel further contends that absence of the petitioner was not intentional but was on account of the reason mentioned hereinabove. It is further the submission of learned counsel that petitioner is involved in five other cases of like nature but he stands acquitted in three cases, whereas in remaining two, he is on bail. It is further the submission of learned counsel that a lenient view be taken in favour of the petitioner, who undertakes to regularly appear before the Court concerned as also to abide by all the conditions so imposed. Prayer for allowing the present petition has been made.

4. Heard. Documents on record perused.

5. It is settled law that the primary purpose of bail is to ensure the accused appears in court, not to punish or prevent them. Since individuals are presumed innocent until proven guilty, detaining them before trial should only occur when absolutely necessary, such as to guarantee their presence at trial. The Hon'ble Supreme Court of India in **Sanjay Chandra Vs. CBI, 2011(4) RCR (Criminal) 898**, held as under:-

“14. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to

ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any Court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for the purpose of giving him a taste of imprisonment as a lesson."

This Court in CRM-M-36490-2022, titled as ***Major Singh vs. State of Punjab, decided on 15.09.2022***, while considering the *bonafide* of the petitioner and finding the reason for his absence justified, set aside the order issuing non-bailable warrants.

In view of the submissions made by learned counsel for the petitioner and as per settled law, petitioner is granted the concession of bail subject to his furnishing bail and two surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.*
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*

(iii) *The petitioner shall not leave the country without prior permission of the trial Court.*

(iv) *The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*

(v) *The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*

(vi) *The petitioner shall not in any manner misuse his liberty.*

(vii) *The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*

(viii) *The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*

(ix) *The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

6. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

01.05.2026

Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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