

2026.PHHC.069984



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

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CRM-M-24236-2026
Date of decision:06.05.2026

GOBINDA @ GOVINDA

... Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ramnish Puri, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023 seeking regular bail for the petitioner in FIR No.45 dated 01.02.2022 under Sections 399 and 402 of IPC (Sections 310(4) and 310(5) of BNS, 2023) and Section 25(8) of the Arms Act, 1959 registered at Police Station Maqboolpura, District Amritsar.

2. Learned counsel submits that the petitioner has been in custody for the last 04 months 15 days. Initially, he was granted regular bail by the trial Court on 28.03.2022, whereafter he could not appear before the trial Court on account of having been arrested in some other case and subsequently was declared as a proclaimed offender/person without granting the mandatory period

of 30 days to him. He moved an application through his learned counsel before the trial Court for issuance of his production warrants and thus he was re-arrested in the present case on 20.12.2025. Since then, he is in custody. The allegations in the present case against him are with regard to planning a robbery, for which secret information had been received by the police, which as a matter of fact was unverified; challan was presented on 02.11.2023; charges stood framed on 06.04.2026 and in all there are 12 witnesses and none of them has been examined so far; he is involved in four other cases, in three of which, he is on bail. Reliance is placed on the judgment passed by Hon'ble the Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner of having planned a robbery, for which the police had received secret information. However, he is unable to controvert the submissions with regard to stage; petitioner being in custody for the last 04 months and 15 days and being on bail in some cases.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious

and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.”

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 4 months and 15 days; being on bail in some cases; charges stand framed on 06.04.2026; out of 12 prosecution witnesses, none has been examined, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case.

8. It is made abundantly 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.

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

(AMAN CHAUDHARY)
JUDGE

06.05.2026

Rajender

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No