



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

212

**CRM-M-24837-2026
Date of decision: 08.05.2026**

LAKHWINDER SINGH @ BITTI

..PETITIONER

VS.

STATE OF PUNJAB

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Dhruv Gupta, Advocate for the petitioner.
(Through V.C.)

SUBHAS MEHLA, J. (Oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking grant of regular bail in case bearing FIR No.83 dated 11.04.2025, registered under Sections 303(2) BNS, 2023 (Section 317(2)/111 added later on) at Police Station Sadar Fazilka, District Fazilka.

2. Instant FIR is based on a secret information that petitioner and co-accused namely Karamjit Singh are habitual of committing theft of motors installed in fields and motorcycles.

3. Learned counsel for the petitioner prayed for grant of regular bail in following grounds:



(I) the petitioner has been in custody since 11.04.2025, i.e., for more than one year.

(II) alleged offences against the present petitioner are triable by Judicial Magistrate First Class. The trial is proceeding at a slow pace, and no prosecution witness has been examined till date.

(III) The trial is proceeding at a slow pace, and no prosecution witness has been examined till date.

(IV) no fruitful purpose would be served by keeping the petitioner in custody for an indefinite period.

4. Notice of motion.

5. Ms. Navreet Kaur, AAG, Punjab, who is present in Court, accepted notice on behalf of the respondent-State and opposed the concession of regular bail to the petitioner, while submitting that the petitioner is a habitual offender and further submitted that, if released on bail, he is likely to indulge in similar activities again. However, it was admitted by learned State counsel that no witness has been examined so far.

6. Heard.

7. Taking into consideration the facts & circumstances of the present case and the rival contentions of the parties, this Court finds merit in the present petition on the following aspects:

(I) the petitioner has been in custody since 13.04.2025 i.e., for the last more than 1 year;



(II) no prosecution witness has been examined in the case till date.

(III) trial is likely take sufficient time to conclude and as such, no fruitful purpose would be served by keeping him in custody for indefinite period.

8. Concession of bail cannot be denied just as a measure of punishment as culpability is to be decided by trial Court after appreciating evidence adduced by the parties, and 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 petitioner.

9. Therefore, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is directed to be released on regular bail upon furnishing the requisite bonds to the satisfaction of the Trial Court/Duty Magistrate/Chief Judicial Magistrate concerned. It is further clarified that, in case, any FIR is registered against the petitioner in relation to a similar type of offence, the State counsel shall be at liberty to move an application seeking cancellation of his bail in this regard.

10. Nothing observed herein shall be construed as an opinion on the merits of the main case.

May, 08, 2026
Poonam Sharma

(SUBHAS MEHLA)
JUDGE

Whether Speaking/Reasoned: YES/NO

Whether Reportable: YES/NO