

2026:PHHC:079897



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

250

CRM M-25911-2026

Date of Decision: 19.05.2026

Sucha Singh

...Petitioner (s)

Vs.

State of Punjab

...Respondents(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. R.K. Grewal, Advocate and
Mr. Dilsahib Singh, Advocate
for the petitioner.

Mr. Prabhdeep Singh Bindra, Advocate
for the complainant.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 483 of the BNSS, 2023, with a prayer to grant him regular bail in case FIR No.0051 dated 07.03.2026 registered under Sections 318(4) of the Bharatiya Nyaya Sanhita, 2023 and, subsequently, added Sections 336 and 338 of the Bharatiya Nyaya Sanhita, 2023 (at Police Station Tripuri, Patiala, Punjab (Annexure P-1).

2. Learned Counsel for the petitioner contends that Karamjit Singh, complainant, Fakir Chand, Nirmal and Narinder are land grabbers and have falsely involved the petitioner by using their connections with politicians and higher bureaucrats. In fact, the petitioner himself is a victim at the hands of the complainant and his companions. Learned counsel next contends that the petitioner had never

executed an agreement to sell dated 12.06.2025 (Annexure P-7) in favour of the complainant as well as his associates. Even, the petitioner and his family members never visited Patiala on 20.05.2025 and the power of attorney was executed at Mohali on 20.05.2025 itself. Apart from that, the petitioner has already lodged FIR and has also initiated civil litigation against Jarnail Singh Bajwa, the proprietor of M/S Bajwa Developers. The complainant has also instituted a Civil Suit No. 977 of 2025 titled as *“Karamjit Singh and another versus Sucha Singh”* (Annexure P-9) and a civil dispute has been wrongly converted into a criminal offence. Moreover, even during various court proceedings, it has been found that the alleged agreement to sell dated 12.06.2025 is forged and fabricated, which is also apparent from the fact that first page of stamp paper is attested by Notary Public, whereas the contents of the agreement of second page were not attested by the Notary Public. Learned counsel further contends that the petitioner was arrested in the present case on 26.03.2026 and the entire documentary evidence has already been collected by the police during the course of investigation. The petitioner was never involved in any other criminal activity and has been made a scapegoat unnecessarily. Moreover, all the offences in the present case are triable by the Court of Magistrate and further custody of the petitioner will not serve any purpose.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by the petitioner on the ground that the petitioner is the main accused and serious allegations have been levelled against him.

4. I have heard learned counsel for the parties and perused the record very carefully.

5. At this stage, it is observed that the object of the bail is to secure the presence of the accused at the trial only. It is also observed that the object of bail is neither punitive nor preventive and deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. Hon'ble the Supreme Court has observed in catena of judgments that when a person is punished by denial of bail in respect of any matter upon which he has not been convicted it would be contrary to the concept of personal liberty enshrined in the Constitution except in cases where there is reason to believe that he may influence the witnesses. It is appropriate to say that pre-conviction detention should not be resorted to, except in cases of necessity to secure attendance at the trial or upon material that the accused will tamper with the witnesses if left at liberty.

6. Hon'ble the Supreme Court in ***Gudikanti Narasimhulu and others v. Public Prosecutor, AIR 1978 SC 429*** has held as under:-

“Bail or Jail”- at the pre-trial or post-conviction stage - largely hinged on judicial discretion. The learned Judge held that personal liberty was too precious a value of our constitutional system recognised under Article 21 that the crucial power to negate it was a great trust exercisable not casually but judicially, with lively concern for the cost to the individual and the community. It was further held that deprivation of personal freedom must be founded on the most serious considerations relevant to the welfare objectives of society specified in the Constitution. The learned Judge quoted Lord Russel who had said that bail

was not to be withheld as a punishment and that the requirements as to bail were merely to secure the attendance of the prisoner at trial. According to V.R. Krishna Iyer, J., the principal rule to guide release on bail should be to secure the presence of the applicant to take judgment and serve sentence in the event of the Court punishing him with imprisonment. After holding that it makes sense to assume that a man on bail has a better chance to prepare and present his case than one remanded in custody the learned Judge observed that if public justice is to be promoted mechanical detention should be demoted”.

7. In ***Gurbaksh Singh Sibbia etc Vs The State of Punjab, AIR 1980 SC 1632***, Hon’ble the Supreme Court has observed as under:-

*“Judges have to decide cases as they come before them, mindful of the need to keep passions and prejudices out of their decisions. The Court has also observed that in which case bail should be granted and in which case it should be refused is a matter of discretion. The court found it interesting to note that as long back as in 1924 it was held by the High Court of Calcutta in Nagendra Vs. King Emperor, AIR 1924 Calcutta 476, that the object of bail was to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused was whether it was probable that the party would appear to take his trial and that it was indisputable that bail was not to be withheld as a punishment. The Supreme Court also referred to the observation of the Allahabad High Court in ***K.N. Joglekar Vs. Emperor, AIR 1931 Allahabad 504***, that Section 498 of the Old Code which corresponds to Section 439 of the New Code, conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by*

*the restrictions in the preceding Section 497 which corresponds to the present Section 437. The Allahabad High Court had also observed that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. The Supreme Court referred also the decision of the Allahabad High Court in **Emperor Vs. H.L. Hutchinson, AIR 1931 Allahabad 356**, wherein it was held that the principle to be deduced from the various sections in the Cr.P.C. was that grant of bail is the rule and refusal is the exception, that as a presumably innocent person, the accused person is entitled to freedom and every opportunity to look after his own case and to establish his innocence and that an accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. The High Court had also held that it would be very unwise to make an attempt to lay down any particular rules which would bind the High Court, having regard to the fact that the legislature itself left the discretion of the Court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes bail may be granted but not in other classes. The Supreme Court apparently approved the above views and observations and held (vide paragraph 30) as follows :*

"It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail."

8. In the present case, no doubt, specific allegations have been levelled by the complainant against the present petitioner, but the petitioner cannot be kept behind the bars for an indefinite period. The petitioner was arrested in the present case on 26.03.2026 and is in custody for the last almost two months. Moreover, apparently, the case is based on documentary evidence and, admittedly, the documentary evidence has already been collected by the police. Moreover, there is no material on record to show that the petitioner is in a position to influence the witnesses of the prosecution or there are chances of fleeing from the process of justice.

9. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

19.05.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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