



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

203

CRM-M-28203-2026

Date of decision: 01.06.2026

ANMOLDEEP SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Charanjit Singh Bakhshi, Advocate with
Mr. Ajayveer Maan, Advocate,
Mr. Simranjit Singh Kang, Advocate
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J.

1. This petition for bail is the first petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.70 dated 18.03.2026 for the commission of offence punishable under Sections 305, 331(4), 127(2), 310(2), 317 of Bharatiya Nyaya Sanhita and Sections 25/27/54/59 of Arms Act, Police Station Jandiala Guru, District Amritsar Rural.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of Inspector Preet Kanwal Singh and



other officials of PUNGRAIN, who alleged that Government wheat was stored in a rented godown namely 'Chohan Open Complex', Narangarh and that on the intervening night of 17/18 March 2026, about 25-30 unidentified persons entered in the godwon, by scaling the boundary wall, confined the chowkidar at gunpoint and decamped with 1077 bags of Government wheat weighing 538.50 quintals by loading the same in two trucks.

3. It is the case of the prosecution that pursuant to above-mentioned statement, formal FIR of this case was lodged and the investigation taken up. As per prosecution during the course of investigation 'Anmoldeep Singh' and co-accused 'Mahinderpal Singh' were nominated on the basis of disclosure statements. During Investigation co-accused 'Mahinderpal Singh' suffered a disclosure statement and revealed that he alongwith the petitioner had purchased 249.50 quintals of the stolen wheat from co-accused 'Pawan Kumar' at the rate of Rs.2,470/- per quintal.

4. Notice of motion.

5. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab, accepts notice on behalf of respondent-State. Hence, the service of notice upon the State is hereby dispensed with. The learned State Counsel 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.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the only allegation against the petitioner is that the father of the petitioner suffered



a disclosure statement, wherein he confessed that the property which was stolen from the godown of PUNGRAIN was purchased by him and the petitioner for a sum of Rs.2470/- per quintal. According to learned counsel for the petitioner there is no allegation against the petitioner that he was instrumental in the commission of theft or dacoity.

8. In addition to above, it has also been contended by learned counsel for the petitioner that the petitioner has clean antecedents and he has already suffered incarceration for period of two months and nothing has been left to be recovered from the possession of petitioner.

9. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel since allegations in the present case are with regard to dacoity in Government premises, the offence is grievous in nature and that the petitioner being the beneficiary of the above-mentioned illegal act is not entitled to the benefit of bail.

10. The record has been perused carefully.

11. To deal with given fact-situation, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Vijay Singh Vs. The State of Haryana' 2023 SCC OnlineSC 1235 are relevant. In the abovementioned case, the petitioner was not present on the spot at the time of recovery and he was implicated solely on the basis of statement of co-accused. The Hon'ble Supreme Court of India in the abovementioned case afforded the benefit of bail to the accused.

12. Similarly, in the case of 'Surender Kumar Khanna Vs. Intelligence Officer Directorate of Revenue Intelligence' 2018(8) SCC 271, it has been held by the Hon'ble Supreme Court of India that the disclosure



statement of co-accused is inadmissible against another accused, as the disclosure statement is not a substantive piece of evidence against other accused.

13. Similar principle has been laid down by the Hon'ble Supreme Court of India in the case of 'Preet Kamal Vs. State of Punjab', 2018(4) RCR (Criminal) 938, wherein it has been held that the disclosure statement of an accused can be used only against the person making the same, and not against the co-accused.

14. If the facts and circumstances of the present case are analyzed in the light of above-mentioned principles of law, it transpires that:-

- i) the petitioner is already in custody for a period of more than two months;
- ii) the petitioner has clean antecedents;
- iii) the recovery of grains has already taken place, and therefore, nothing has been left to be recovered from the possession of petitioner;
- iv) the only allegation against the petitioner is that he purchased the stolen property from the main accused.
- v) the only evidence collected by the Investigating Agency against the petitioner, is the disclosure statement of his co-accused, which was recorded by the police when he was in custody. Thus, there is a question mark with regard to credibility & admissibility of above-mentioned statement in evidence. Since pursuant to above-mentioned disclosure statement of co-accused recovery of any incriminating material or discovery of fact has not taken place and *prima facie* the abovementioned statement appears to be hit by Section-23 of 'the Bharatiya Sakshya Adhiniyam, 2023'.
- vi) the trial is not likely to be concluded in near future as out of nineteen prosecution witnesses not even a single has been



examined so far;

- vii) the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- viii) there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- ix) there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

15. 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”.

16. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’ (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”.

17. 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”.



18. 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 the accused as mandated by Hon'ble Apex court in "Balwinder Singh versus State of Punjab and Another", 2024 SCC Online SC 4354.

19. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled to the benefit of bail, and that the present petition deserves to be allowed.

20. 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 concession 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 to disclose 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 the trial Court.

(SURYA PARTAP SINGH)
JUDGE

01.06.2026

vipin

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