

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****216-I****CRM-M-30591-2026 (O&M)****Decided on : 01.07.2026**

Raj Kumar alias Raju

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGHPresent: Mr. Angrej Singh Sarwara, Advocate
for the petitioner (through VC).

Ms. Aakanksha Gupta, AAG Punjab.

SURYA PARTAP SINGH, J. (Oral)

This petition is the first petition for bail, filed by the petitioner under Section 483 of 'the Bharatiya Nagrik Suraksha Sanhita', 2023. It has been filed with regard to a case arising out of FIR No.54 dated 09.02.2026, for the commission of offence punishable under Sections 310(4) and 310(5) of Bharatiya Nyaya Sanhita, 2023, Police Station City South District Moga.

2. The FIR of this case came into being at the instance of 'Rashpal Singh' hereinafter being referred to as 'complainant' only. It was reported by the abovenamed complainant that he had received a tip-off from a resource person that a group of individuals was planning to commit a dacoity. As per abovenamed ASI in view of abovementioned tip-off, he went to the spot where eight persons namely Akashdeep Singh alias Gagna, Sandeep Singh alias Kala, Raj Kumar alias Raju (the petitioner herein), Rajdeep Singh, Ravinder Singh alias Ravi, Sahil Sharma alias Shalu, Jagjit Singh alias Jot and Harshdeep Singh alias Arsh were present and they were

planning to commit a dacoity. As per abovenamed police officer after hearing their conversation when it was found that they were planning for a dacoity, they were apprehended and from their possession deadly weapons were recovered.

3. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

4. **Notice of motion.**

5. Ms. Aakanksha Gupta, AAG Punjab appears on behalf of respondent-State. Hence 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 petitioner has already suffered incarceration for being in custody for a period of three months and twenty days and that investigation in this case is already complete and nothing has been left to be recovered from the possession of petitioner. According to learned counsel for the petitioner the petitioner has been falsely implicated in the present case and that the trial is not likely to be concluded in near future.

8. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, the petitioner was apprehended on the spot and that the allegation against the

petitioner are for the commission of serious nature of offence. It has also been contended by learned State Counsel that the period of incarceration is not large enough to draw an inference that due to long incarceration the petitioner is entitled to the benefit of bail.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i. that the petitioner is already in custody for a period of three months and twenty days;
- ii. that investigation in this case is already complete and nothing has been left to be recovered from the possession of petitioner;
- iii. that no independent witness was joined by the Investigating Officer, despite the fact that he received the tip-off in advance.
- iv. that the trial is not likely to be concluded in near future;
- v. that the benefit of bail has already been accorded to the similarly placed co-accused;
- vi. that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- vii. that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- viii. that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

11. 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(2) R.C.R. (Criminal) 131, 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”.

12. 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”.

13. 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”.

14. 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.

15. 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.

16. 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 abovementioned 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

01.07.2026

Vinod

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No