



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

237

CRM-M No.40987 of 2025 (O&M)

Date of Decision: 19.01.2026

Jagjit Singh**.....Petitioner****Versus****State of Punjab****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH****Present:** Mr. Puneet Sharma, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 308, 115(2), 351(2), 126(2) and 3(5) of the Bharatiya Nyaya Sanhita 2023, hereinafter being referred to as 'BNS', the FIR No.94 dated 17.06.2025 has been lodged in Police Station Anandpur Sahib, District Rupnagar. The petitioner is in custody, and therefore, craving for bail. This is first petition for bail, filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Balwinder Singh', hereinafter being referred to as 'complainant'. It was stated by the above named complainant that he and his cousin namely 'Tarsem Singh' were having two separate shops of ice cream. As per complainant, on 23.05.2025 at about 9.30 P.M when his cousin had gone to his residence to bring a dinner he was looking after both the shops. It was further stated by the complainant that



there a person carrying an iron rod entered into the shop of 'Tarsem Singh' and started vandalized the articles kept in the shop. According to complainant, when he tried to intervene, the above mentioned person assaulted him, inflicted injury on his person, and thereafter, fled from the spot.

3. It is the case of the prosecution that on the basis of abovementioned information, formal FIR was lodged and the investigation taken up. As per learned State counsel, during the course of investigation it was revealed that the petitioner who used to claim himself to be journalist was in the habit of making videos of various shop keepers, and thereafter extorting money from them under a threat.

4. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner is innocent and a law abiding citizens, who has been falsely implicated in the present case. As per learned counsel for the petitioner, the petitioner has already suffered prolonged incarceration for being in custody for a period of more than 6 months, and that the offence is triable the Court of Judicial Magistrate, and the maximum punishment prescribed for the offence is imprisonment up to 7 years only. As per learned counsel for the petitioner, since nothing is left to be recovered from the possession of petitioner, and the trial is not likely to be concluded in near future, the petitioner is entitled for the benefit of bail.

7. Per contra, the learned State Counsel has controverted the above



mentioned arguments. It has been contended by learned State counsel that allegations against the petitioner are of serious nature, and that if released on bail the petitioner may misuse the concession of bail, and therefore, he is not entitled for the benefit of bail.

8. The record has been perused carefully.

9. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for the decision of present petition:-

- i) that the petitioner is already in custody for a period of more than 6 months;
- ii) that the offence is triable the Court of Judicial Magistrate;
- iii) that no significant progress in trial is taking place, and therefore, the trial is not likely to be concluded in near future;
- iv) that the maximum imprisonment is up to 7 years;
- v) that the petitioner has no criminal antecedents;
- vi) that nothing is left to be recovered from the possession of petitioner;
- vii) that detention of petitioner in judicial lockup is not likely to serve any purpose;
- viii) 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
- ix) that there is nothing on record to show that if released on bail,



the petitioner will not participate/cooperate in the trial.

10. In the present case, the principles of law laid down by the Hon'ble Supreme Court 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".

11. The principles laid down by the Hon'ble the Supreme Court of India in the case of 'Satender Kumar Antil v. Central Bureau of Investigation'



(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”.

12. 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”.

13. Therefore, 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 an



undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.

14. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and that the present petition deserves to be allowed.

15. 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 his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the 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 from disclosing 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 trial Court.

(SURYA PARTAP SINGH)
JUDGE

19.01.2026
Manoj Bhutani

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