



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

127

1)

CRM-M-42162-2025

Decided on : 24.02.2026

Gurwinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

2)

CRM-M-51327-2025

Harvinder Singh Sekhon @ Harwinder Singh Sekhon

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Harmanjit Singh Jugait, Advocate
for the petitioner(s) (in CRM-M-42162-2025).

Mr. Manmeet Singh Rana, Advocate,
Mr. Aaryan Kargwal, Advocate and
Ms. Kajal Gupta, Advocate
for the petitioner(s) (in CRM-M-51327-2025).

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-42162-2025 & CRM-M-51327-2025, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-42162-2025.

2. The instant petitions have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioners, during the pendency of trial, who have been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gurwinder Singh (petitioner in CRM-M-42162-2025)	125	30.03.2025	316(2), 318(4), 319(2) and 61(2) of BNS, 2023	City Kharar	SAS Nagar
Harvinder Singh Sekhon @ Harwinder Singh Sekhon (petitioner in CRM-M-51327-2025)					

3. The total disputed amount in the case is Rs.22.00 lakhs, which in fact, was paid by the complainant – Rakesh Kumar, for the purpose of going abroad.

4. Learned counsel for the petitioner(s) argues that not a single penny was handed-over to either of the petitioners for sending the persons abroad. Further submits that petitioners – Gurwinder Singh, who is aged 19 years and Harvinder Singh Sekhon @ Harwinder Singh Sekhon, aged 54 years, and both are inside jail for more than a period of 08 months and 26 days.

5. Admittedly, nothing was paid to the petitioners by the complainant. After completion of investigation, challan has already been submitted. However, the process of recording of statements of the prosecution witnesses, is yet to start, as there are total 20 prosecution witnesses, which are yet to be examined. Further submits that proceedings are to be tried by the Court of learned Magistrate. Therefore, on the basis of given facts & circumstances, learned counsel for the petitioner(s) prays for concession of regular bail for both the petitioners.

6. On the other hand, learned State counsel has filed two separate custody certificates dated 23.02.2026 in Court today, which are taken on record. Office to tag the same at appropriate place. Copies thereof have

been handed over to the counsel for the petitioners.

Learned State counsel though opposes the prayer for bail, but he fairly concedes the factual assertions made and noticed here-above.

7. I have heard learned counsel for the parties and perused the material available on record.

8. In view of the above, this Court finds that the allegations against the petitioners are yet to be substantiated during the course of trial. As contended by learned counsel, it is not disputed that no amount has been directly received by either of the petitioners from the complainant. The culpability of the petitioners, therefore, is a matter to be adjudicated upon by the trial Court after appreciation of evidence.

It is further noticeable that both the petitioners are in custody for a period of more than 08 months and 26 days and despite filing of the challan, the process of recording of statements of prosecution witnesses has not yet commenced. Out of total cited 20 prosecution witnesses, none has been examined so far, which clearly indicates that the trial is likely to take considerable time to conclude.

9. In these circumstances, keeping in view the nature of allegations, the stage of trial, the period of custody already undergone by the petitioners, as well as the fact that the case is triable by the Court of learned Magistrate, this Court does not deem it appropriate to further curtail the personal liberty of the petitioners for an indefinite period.

Consequently, prayer made in the present petitions are **allowed**.
Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in

any other case.

10. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. **Petitions stand disposed of.**

Pending misc. application(s), if any, also stand disposed of.

Photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

February 24, 2026
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*