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

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CRM-M-45529 of 2025

Date of Decision: 06.02.2026

Paramvir Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. S.S. Momi, Advocate for the petitioner.

Ms. Aiman J. Chishti, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.448 dated 15.11.2023 registered under Sections 406, 420, 120-B of IPC and Section 24 of the Immigration Act, at Police Station Sohana, District SAS Nagar.
2. Brief facts of the present case as per the prosecution are that the petitioner along with co-accused duped the complainant for an amount of Rs.40 lakh, on the pretext of sending him abroad.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He further contends that the petitioner was neither named in the FIR, nor has any concern with the said offence. He further argued that there is no allegation of money being transferred to the petitioner's bank account. He further submitted that Sarabjeet Singh Sandhu is the main accused but there is



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not even an iota of evidence with the prosecution to link the petitioner with the said co-accused. The petitioner is in custody since 21.03.2025. Nothing is to be recovered from the petitioner. Further, the co-accused Sarabjit Singh has already been granted the concession of regular bail by the Co-ordinate Bench of this Court, vide order dated 15.05.2025. The investigation in the case is complete and challan also stands presented but charges are yet to be framed. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping her behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record and while referring to the status report filed in the matter, she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She has further submitted that the petitioner is also involved in other cases meaning thereby he is a habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 10 months; investigation is complete; challan stands presented; charges are yet to be framed; the complicity of the petitioner is a matter of trial, which is proceeding at snail's pace and the same will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram***



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Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

06.02.2026

D.Bansal

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