



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

227

CRM-M No.46200 of 2025 (O&M)  
Date of Decision: 22.01.2026

Lovejot Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

**Present:** Ms. Monita Mehta, Advocate for the petitioner.

Mr. Lakhan, AAG, Punjab.

**SURYA PARTAP SINGH, J. (Oral):**

For the commission of offence punishable under Sections 307, 489-A, 489-B, 489-C, 489-D and 34 of IPC, hereinafter being referred to as 'IPC' and Sections 21, 22, 29, 61, 85 of Narcotic Drugs & Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act' FIR No.95 dated 01.04.2020 has been lodged in Police Station City Kapurthala. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is 2<sup>nd</sup> petition for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Briefly briefly stated, the facts emerging from record are that the FIR of this case came into being for the commission of above mentioned offence at the instance of Sub Inspector 'Harinder Singh'. It was reported by the above named police official that when he was heading a police party



deputed for patrolling duty a white colour car was spotted at DC Chowk Kapurthala. As per above named police official when he signalled the car driver to stop the same for the purpose of checking, the car driver initially slowed down the car but thereafter speeded it up and tried to run away. According to above mentioned police officer in the above mentioned endeavour the driver of the car even tried to ran over the above named police official. It was also reported by the above named police official that he swiftly reacted and saved himself, and thereafter the above mentioned car was chased and duly intercepted.

3. According to above named police official on checking it was found that the occupant of the above mentioned car namely 'Ajay' was in possession of psychotropic substance and from the possession of above named occupants of the car counterfeit currency notes were recovered. With regard to instant case, it is relevant to mention here that on the basis of above mentioned recovery, when the present case was registered and the investigation taken up, the petitioner was duly arrested, who was later on granted the benefit of bail by the Court of learned Sessions Judge on 25.04.2020.

4. Notice of motion.

5. Since advance notice has already been served, Mr. Lakhan, AAG Punjab, appears on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

6. 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 opted to oppose the



present petition.

7. Heard.

8. It has been contended by learned counsel for the petitioner that petitioner was initially arrested on 01.04.2020 and by virtue of order dated 25.04.2020 he was enlarged on bail by the learned Judge, Special Court, Kapurthala. According to learned counsel for the petitioner thereafter due to lock-down and restricted proceedings being conducted by the Court, due to pandemic Covid-19, the petitioner could not keep track of the dates being fixed in the above mentioned case, and therefore, his bail was cancelled and proclamation was issued. As per learned counsel for the petitioner when the proclamation was issued the petitioner came to know about the date, and that before being declared to be a proclaimed offender the petitioner surrendered before the Court on 09.09.2022 and since then he is in custody.

9. In addition to above, it has also been contended by learned counsel for the petitioner that petitioner is already in custody for a period of 3 years and 5 months, and that the petitioner has no criminal antecedents. According to learned counsel for the petitioner the trial is progressing at a very slow pace as out of 17 only 2 witnesses have been examined so far. On the basis of above mentioned grounds the learned counsel for the petitioner has contended that the petitioner is entitled for fresh bail.

10. The learned State counsel has controverted the above mentioned arguments. According to learned State counsel firstly, the allegations against the petitioner are for the commission of very serious nature of offence as at one place there was an attempt to kill a police official and on second place the



petitioner and his co-accused were found in possession of narcotic substance and on third place they were carrying counterfeit currency notes. As per learned State counsel the petitioner has already misused the concession of bail, and therefore, he is not entitled for the benefit of fresh bail.

11. The record has been perused carefully.

12. 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 benefit of bail was afforded to the accused but due to his absence on the date fixed the same was withdrawn.;
- ii) that thereafter the petitioner has already suffered a long incarceration for being in custody for a period of 3 years and 5 months;
- iii) that all the co-accused are either on bail or absconding;
- iv) that nothing is left to be recovered from the possession of petitioner;
- v) that the trial is not likely to be concluded in near future as out of 17 only 2 witnesses have been examined, so far;
- vi) that detention of the 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 is likely to tamper with the evidence, or influence the witnesses;
- viii) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate in the trial.

13. 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”.

14. 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”.

15. 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”.

16. 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.

17. 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.

18. 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

22.01.2026  
Manoj Bhutani

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |