



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

232

CRM-M-48436-2025

Date of Decision : 09.02.2026

PARAMJEET SINGH ALIAS PARAMJIT SINGH ALIAS BAGGA**...Petitioner****VERSUS****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present: Mr. Jaskirat Singh Dhaliwal, Advocate
for the petitioner.

Mr. Hardeep Hans, AAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of bail under Section 483 BNSS, has been filed by petitioner, an accused in case bearing FIR No.20 dated 03.05.2023 registered against him at Police Station Lakhewali, District Sri Muktsar Sahib, at the instance of Jaskaran Singh-complainant, for the commission of offences punishable u/s 395, 397, 506 of IPC (Section 120-B IPC and Section 25 of Arms Act added later on).

2. In brief, the present case pertains to a dacoity incident, where a group of armed assailants allegedly forcibly looted Rs.3 lakhs from a Petrol Pump, namely, 'Karan Filling Station' at Nandgarh Road Lakhewali and caused injuries to the employees present there. Admittedly, the FIR was



registered against unknown persons. Subsequently, based on the CCTV footage and a supplementary statement suffered by complainant-injured, **Paramjeet Singh @ Paramjit Singh @ Bagga (present petitioner)** was arrayed as an accused.

In para 35 of the status report filed by way of affidavit of Mr. Naveenpal Singh Lehal, Deputy Superintendent of Police, Sub-Division Malout, Sri Muktsar Sahib, role of the petitioner has been highlighted. As per case set up by the prosecution, petitioner along with other accused, all of whom were with muffled faces and were armed with weapons, forcibly looted a sum of Rs. 3 lakhs.

On the basis of above mentioned complaint, a formal case vide FIR No.20 dated 03.05.2023, u/s 395, 397, 506 of IPC (Section 120-B IPC and Section 25 of Arms Act added later on), was registered and criminal proceedings were set into motion.

During investigation, petitioner, who was arrested on 14.06.2023, admitted to his involvement in the commission of offence and got the recovery of baseball effected, with which he was allegedly armed at the relevant time.

On culmination of investigation, challan completed in all respect was filed. Supplementary challan was also filed and charges were framed on 03.10.2024.

3. An application for grant of bail was filed by the present petitioner. The same was dismissed by the learned Additional Sessions Judge, Sri Muktsar Sahib, in terms of order dated 08.05.2024. Aggrieved of the same, the present petition has been filed.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case. The fact that the FIR was initially lodged against unknown persons, who were allegedly with muffled faces, but



subsequently only on the basis of supplementary statement of complainant, petitioner and other accused were arrayed as accused suggest their false implication. Pen Drive relied upon by prosecution is fabricated, which also does not deserve to be taken note of. In the absence of any explanation forthcoming for this glaring lacunae, it is evident that petitioner has been falsely dragged in the present case.

Learned counsel though fairly concedes that petitioner is involved in 06 other cases, but adds that he stands acquitted in three of such criminal cases, whereas in other three he is still facing trial.

Learned counsel next submits that similarly situated co-accused have since been granted the concession of bail by coordinate Benches of this Court vide CRM-M-40460-2023, CRM-M-40449-2023, CRM-M-64916-2023, CRM-M-9254-2025, CRM-M-52414-2024 dated 14.12.2023, 06.02.2024, 04.08.2025 (Annexures P-2 to P-6, respectively), thus, prays that similar treatment be meted out to him.

It is further the submission of learned counsel that out of 34 cited prosecution witnesses, only one has been examined till date, thus, likelihood of completion of trial in the near future is quite remote. When appreciated in the light of submissions advanced hereinabove, further incarceration of petitioner in custody, would not serve any useful purpose and would also be violative of his Fundamental rights guaranteed under Article 21 of the Constitution of India. It has thus been prayed to take lenient view in petitioner's favour, who has been in custody since 14.06.2023, by extending him the concession of bail, as also that his past questionable antecedents cannot be the sole basis for refusing the relief sought for by him. Prayer for allowing the petition has been



made.

5. *Per contra*, learned State counsel while referring to the Status report dated 27.01.2026 by way of affidavit of Mr. Naveenpal Singh Lehal, Deputy Superintendent of Police, Sub-Division Malout, District Sri Muktsar Sahib, has opposed the request for grant of bail on the ground that petitioner was one of the member of an unlawful assembly, who all being armed with baseball, iron-rods etc., forcibly looted Rs.3 lakhs from Petrol Pump and brutally assaulted the employees of Petrol Pump. It has been prayed that the manner in which the offence was committed, as also in view of the fact that petitioner has remained involved in several criminal cases, if extended the concession of bail, the likelihood of petitioner overawing complainant and other related witnesses, who have till date not been examined also fleeing from the process of justice by not appearing in the Court are quite high. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and with their able assistance, perused the record available on record.

7. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in ***“Gurbaksh Singh Sibbia V. State of Punjab”***, ((1980) 2 SCC 5) held as under:-

“27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which,



significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In K.N. Joglekar v. Emperor [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In Emperor v. Hutchinson [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the Criminal Procedure Code was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in Gudikanti Narasimhulu v. Public Prosecutor [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

“... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of Article 21 are the life of that human right.”

29. In Gurcharan Singh v. State (Delhi Administration) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29“There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”



30. In *AMERICAN JURISPRUDENCE* (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”

In ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012(1) RCR (Criminal) 586***, Hon’ble Supreme Court upheld the order of the High Court in granting bail to the second respondent/accused on the ground that he had been in custody for a long period and the possibility of the trial being concluded in the near future was remote.

In view of the settled proposition of law, submissions advanced by the learned counsel for the petitioner but without adverting to the merits of the case, lest it may prejudice the trial, keeping in mind the fact that other similarly situated co-accused have since already been granted concession of bail, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner (who has been in custody since 14.06.2023), as the same, without the prospect of trial being concluded in the near future (for out of 34 prosecution witnesses, only one has been examined till date), would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131***.



Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety to the satisfaction of the learned Duty Magistrate/trial Court concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at



liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

09.02.2026
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>