



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

(116)

CRM-M-51873-2025
Date of Decision: 23.02.2026

RAGHBIR SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Harmanpreet Singh, Advocate
for the petitioner.

Mr. Yadwinder Singh, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 84 dated 14.05.2025 under Sections 74, 75, 115(2) and 118(1) of BNS, registered at Police Station Cantonment, District Police Commissionerate Amritsar.

2. The translated version of the FIR is reproduced below:-

“To sho P.S. Cantonment, Amritsar Sir, it is submitted that I am xxxx D/o Lal Singh W/o Pawandeep Singh R/o H. no. D 17/219 Ward no. 55 Azad Nagar Gobind Gali Kot Khalsa Amritsar and I am working at Gupta General Store, Putlighar where in front of our shop Raghbir Singh S/o Kartar Singh R/o 2030/13 Sarai Bhola Singh Putlighar Amritsar who is doing work of vegetables, I purchased vegetables from him and he came inside the shop for taking money for that. when I was giving him money then he held my arm and tried to kiss me and regarding that I went to his house for complaint and I informed about that to the owner of shop and in the meantime I informed about this to my friend Deepak who came on the spot along with 2-3 more persons. grandson of Raghbir Singh Ajju and his brother Bhalu also came on the spot and gave injuries to us. It is requested that action be taken. Yours faithfully SD/- xxxx mobile no. 96449xxxxx date 13.05.2025.”



3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case solely on the basis of the statement of the complainant. It is contended that the petitioner is a 75-year-old senior citizen and the only allegation against him is that he allegedly caught hold of the complainant's arm and attempted to kiss her. However, the absence of any specific date of the alleged occurrence in the FIR casts a serious doubt on the veracity of the prosecution case. Learned counsel further contends that the FIR infact arises out of a monetary dispute between the parties, which has been given a criminal colour. As per the version of the complainant, she, along with 3-4 persons, had gone to the petitioner's house, where a dispute ensued and the petitioner's grandson allegedly also caused injuries. It is also submitted that the said co-accused (grandson) has already been granted anticipatory bail by the learned Additional Sessions Judge, Amritsar, vide order dated 08.08.2025. Reliance in this regard has been placed on the anticipatory bail order Annexure P-2. Learned counsel further submits that there is no direct evidence on record to corroborate the allegations leveled against the aged petitioner, who has already undergone an actual custody of 09 months and 06 days. He has clean antecedents.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 09 months and 06 days. The learned State counsel, on instructions from official concerned, submits that in the present case, challan was presented on 13.07.2025 and the charges are yet to be framed. He submits that in view of



the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. Admittedly, despite the challan being was presented on 13.07.2025, the charges are yet to be framed. The 75 year old petitioner has undergone actual custody of 09 months and 06 days. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. Keeping in view the fact that the conclusion of the trial will take a considerable time, therefore, no useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further 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 including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in *“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22*.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.



- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) 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 police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

February 23, 2026

Ritika

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