



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

225

CRM-M No.51971 of 2025 (O&M)
Date of Decision: 29.01.2026

Gurmukh Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**Present:** Mr. Simran Atwal, Advocate for the petitioner.

Mr. I.P.S.Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 457, 380, 148, 149 of Indian Penal Code, hereinafter being referred to as 'IPC' and Section 25/54/59 of Arms Act, hereinafter being referred to as 'Act' [Sections 395, 427, 201 and 511 of IPC and Sections 26(6), (7) (8) of Arms Act added later on], the FIR No.126 dated 26.02.2023, has been lodged in Police Station Tarn Taran Sadar, District Tarn Taran. 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 third petition for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of Inspector/SHO 'Gurcharan Singh'. It was reported by the above named Police officer that on 26.02.2023 when he was heading a police party deputed for patrolling, a reliable source gave him a



tip-off that 'Gurmukh Singh' (petitioner) 'Manpreet', 'Gurpreet', 'Bohar Singh' and 'Mandeep Singh' had formed a gang to commit crimes like robbery, snatching and breaking the house. According to informer they all were armed with pistols, dattar (sickle) and kirpan (sword), and that they were carrying a cutter, and were present near the branch of Kotak Mahindra Bank at Bath Road, Tarn Taran.

3. According to prosecution in view of above mentioned information the police team raided the Kotak Mahindra Bank and found 5 persons armed with various weapons, who were apprehended by the police. According to prosecution story the petitioner was found in possession of one country made pistol. It is the case of the prosecution that in view of above mentioned recovery the formal FIR of this case was lodged and the investigation taken-up.

4. The learned State counsel has filed custody certificate of the petitioner. The same be taken on record.

5. Reply by way of affidavit of Deputy Superintendent of Police, Sub Division Khadur Sahib, Camp at Goindwal Sahib, District Tarn Taran is already on record.

6. Heard.

7. It has been contended on behalf of the petitioner that this is 3rd petition for bail moved by the petitioner, as the second petition was dismissed in September 2024. According to learned counsel for the petitioner from the date of dismissal of second bail petition almost 1 ½ years has elapsed and the trial is not progressing at a satisfactory pace as out of 9 only 7 witnesses have



been examined, so far. According to learned counsel for the petitioner, the petitioner has already served sentence for a period of 2 years and 11 months and all the similarly placed co-accused have already been afforded the benefit of bail. In view of above, the learned counsel for the petitioner has contented that the petitioner is entitled for the benefit of bail.

8. Per contra, the learned State counsel has contented that there is no significant change in circumstance from the date of dismissal of second bail petition. As per learned State counsel only two witnesses are left to be examined in the present case. The learned State counsel has further contented that in view of gravity of offence committed by the petitioner, i.e. attempt to commit robbery in bank, the petitioner is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for a decision of present petition:-

- i) that the petitioner has already suffered a prolonged incarceration for being in custody for a period of more than 2 years and 11 months;
- ii) that this third petition for bail has been moved by the petitioner, after the dismissal of second petition about 1 year and 5 months ago. From the date of dismissal of above mentioned petition in the present case there is no significant progress in trial;
- iii) that the benefit of bail to similarly placed 3 accused namely



‘Manpreet Singh’, ‘Mandeep’ Singh and ‘Gurpreet Singh’ has already been granted in the year 2024;

- iv) that the trial is not progressing at a satisfactory pace as out of 9 only 7 witnesses have been examined, so far;
- v) that the investigation in this case is already complete and therefore, nothing is left to be recovered from the possession of petitioner;
- vi) that detention of 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 may tamper with the evidence or influence the witnesses; and
- viii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

11. 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 also 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”.

12. 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 above mentioned 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”.

13. 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"*.

14. 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 the accused as mandated by Hon'ble Apex court in 'Balwinder Singh versus State of Punjab and Another' 2024 SCC Online SC 4354.

15. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

16. 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. However the abovesaid benefit shall be subject to 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 to disclose 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 the trial Court.

(SURYA PARTAP SINGH)
JUDGE

29.01.2026
Manoj Bhutani

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