



CRM-M-55979-2025 (O&M)

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

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CRM-M-55979-2025 (O&M)

Date of decision : 04.02.2026

Taljinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Ms. Manjot Kaur, Advocate for
Mr. Satnam Singh Gill, Advocate for the petitioner.

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

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Sections 143, 61(2) of the Bharatiya Nyaya Sanhita, 2023, and Section 81 of Juvenile Justice (Care and Protection of Children) Act, 2015, the FIR No.157 dated 27.06.2025 has been lodged in Police Station Mandi Gobindgarh, District Fatehgarh Sahib. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on the report (ruqa) of SI Inspector Dharampal, Police Station Mandi Gobindgarh, District Fatehgarh Sahib. It was reported by the above-named police officer that on 27.06.2025, when he was on



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patrolling duty along with his team, an informer gave a tip-off that Mandeep Kaur wife of Taljinder Singh (petitioner herein) had delivered a child (male) on 23.06.2025 in Deep Hospital Mandi, and that father of newly born child Taljinder Singh had entered into a deal with 'ASHA' worker Kamlesh Kaur and her husband Bhim Singh for the sale of above-mentioned child, and that in the above-mentioned deal, midwife Charan Kaur and Amandeep Kaur @Amrita were also involved. It was also informed by the informant that 'ASHA' worker Kamlesh Kaur and midwife Charan Kaur along with newly born child had gone to Khanna Bus Stand, where Amandeep Kaur @Amrita met them and thereafter they all three went to petrol pump near Bus Stand Doraha to handover the child to Rupinder Kaur daughter of Raj Kumar and Beant Singh, against the payment of Rs.4,00,000/-.

3. It is the case of the prosecution that in view of abovementioned information, it was found that the petitioner and other accused were involved in child trafficking and therefore, FIR in this case was lodged and further investigation taken up.

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

5. Heard.

6. It has been contended by learned counsel for the petitioner that a false story has been cooked up by the police with regard to child trafficking, and that the petitioner is innocent having no concern, whatsoever, with the alleged sale of child. While claiming that the petitioner



has already faced a lot of incarceration for being in custody for a period of more than seven months, and that the trial is not likely to be concluded in near future, it has also been contended by learned counsel for the petitioner that in the present case a very strange story has been set out by the prosecution, which is not worth believable.

7. As per learned counsel for the petitioner, the entire allegations against the petitioner are with regard to sale of child to Rupinder Kaur and Beant Singh, but in a very strange manner the facts have been twisted that Rupinder Kaur and Beant Singh had given fake currency notes to Kamlesh Kaur, Charanjeet Kaur @ Charan Kaur and Amandeep Kaur @ Amrita. According to learned counsel for the petitioner when transactions of money had not taken place, the allegations with regard to child trafficking against the petitioner are not made out. It has been further contended by learned counsel for the petitioner that co-accused of the petitioner, namely Kamlesh Kaur, Amandeep Kaur @Amrita and Charan Kaur @Charanjit Kaur, have already been accorded the benefit of bail by this Court.

7. *Per contra*, the learned State Counsel has contended that allegations against the petitioner are with regard to active participation in child trafficking, and that the offence committed by the petitioner is triable by the Court of Sessions and the maximum punishment prescribed for the offence is imprisonment for life. According to learned State Counsel in view of gravity of offence and active participation of the petitioner, he is not entitled for the benefit of bail.



8. The record has been perused carefully.

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

- i) that the petitioner is already in custody for a period of more than 07 months;
- ii) that on parity also, the petitioner is entitled for bail as his co-accused, namely Kamlesh Kaur, Amandeep Kaur @Amrita and Charan Kaur @Charanjit Kaur, have already been accorded the benefit of bail by this Court;
- iii) that nothing is left to be recovered from the possession of petitioner;
- iv) that the trial is not likely to be concluded in near future;
- v) that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- vi) 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
- vii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

10. 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(2) R.C.R. (Criminal) 131, 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”.

11. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (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”.

12. 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”.

13. 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.



14. 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.

15. 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 furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession 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

04.02.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No