



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M No.55920 of 2025 (O&M)

Date of Decision: 21.01.2026

Ranjit Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. G.S.Simble, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 341, 353, 325, 186, 332, 323, 506, 148 and 149 of the Indian Penal Code hereinafter being referred to as 'IPC' and Section 25, 27-A of Arms Act, the FIR No.46 dated 05.09.2016 has been lodged in Police Station Rangar Nangal, Police District Batala. The petitioner is in custody, and therefore, craving for bail. This is Ist petition for bail, filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023.

2. Briefly stating the facts emerging from record are that for the commission of offence punishable under aforesaid Sections the FIR was lodged in the police station, and with regard to commission of above mentioned offence the petitioner approached the Court for anticipatory bail. As per record, the above mentioned benefit of anticipatory bail was afforded to the petitioner but thereafter when he failed to appear before the trial Court his bail



was cancelled bonds were forfeited to the State and his warrant of arrest was issued. The record further reveals that when warrant of arrest issued against the petitioner could not be executed, by virtue of order dated 05.10.2020, the petitioner was declared a proclaimed offender.

3. Notice of motion.

4. Since advance notice has already been served, Mr. Rohit Bansal, Sr. DAG Punjab, appears on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

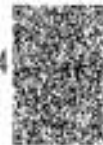
5. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

6. The learned State Counsel has filed reply by way of affidavit of Deputy Superintendent of Police, Sub Division Sri Hargobindur, Police District Batala. The same, too, be taken on record.

7. Heard.

8. It has been contended on behalf of petitioner that petitioner was given an impression that his personal appearance was not required during the course of trial and that for better prospects he had left the country and that on his return he has been taken into custody on 25.08.2025 and since then he is behind the bar. According to learned counsel for the petitioner the offence is otherwise triable by the Court of Magistrate and the petitioner has already suffered a prolonged incarceration for being in custody for a period of almost 5 months.

9. In addition to above, the learned counsel for the petitioner has also



submitted that otherwise also the trial qua co-accused of the petitioner has already been concluded and co-accused of the petitioner stands acquitted.

10. Per contra, the learned State Counsel has controverted the above mentioned arguments and submitted that the petitioner who has already misused the concession of bail is not entitled for 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 petitioner is already in custody for a period of almost than 05 months;
- ii) that the offence is triable by the Court of Judicial magistrate;
- iii) that earlier also the benefit of bail was afforded to the accused;
- iv) that the petitioner has no criminal antecedents;
- v) that the trial is not likely to be concluded in near future;
- vi) that nothing is left to be recovered from the possession of petitioner;
- vii) that detention of petitioner in judicial lock-up is not likely to serve any purpose;
- viii) 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
- ix) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate 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 fresh 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

21.01.2026
Manoj Bhutani

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