



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

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CRM-M No.59408 of 2025 (O&M)

Date of Decision: 05.02.2026

Arun Kumar @ Arun Kumar Baath**.....Petitioner****Versus****State of Punjab****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH****Present:** Mr. G.S.Verma, Advocate for the petitioner.

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

SURYA PARTAP SINGH, J. (Oral):

This is Ist petition for bail, filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, hereinafter being referred to as 'BNSS', with regard to commission of offence punishable under Sections 109, 333, 324(4), 303(2), 191(3), 190 of Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as 'BNS' and Sections 25 & 27 of Arms Act. The petitioner has been taken into custody in the above mentioned case, pertaining to FIR No.48 dated 21.02.2025, Police Station Division No.7, Ludhiana.

2. Briefly stating the facts emerging from records are that the FIR of this case came into being at the instance of 'Balwinder Singh' hereinafter being referred to as 'complainant' only. In his statement it was stated by the complainant that on 21.02.2025 at about 12.30/1.00 P.M. when he was present at Grewal Farm armed with his licenced rifle, about 20/25 persons with muffled faces forcibly entered his farm, few by scaling the wall and few by



breaking the gate. As per complainant, 3/4 persons caught hold of him and after snatching his rifle and pushing him, made him lie down on the ground. According to complainant when his associate 'Arjan Ram' came there, the above said persons caught hold of him also and made him to lie on the ground. It was also stated by the petitioner that thereafter they started damaging the building of the farm house and also broke open the door of room and door of almirah and that they broke the LCD, control panel of camera and took away DVR with them.

3. He further stated that 'Parminder Singh Bajwa', his brother and some unknown persons came in three cars and one unknown person fired shot from his rifle and 'Parminder Bajwa' also fired shot with intention to kill and thereafter, all the assailants fled from the spot. As per complainant, the reason behind the occurrence was that 'Parminder Singh Bajwa' had a property dispute with the owner of farm for which, he alongwith his companions forcibly entered the farm with intention to take forcible possession thereof.

4. This petition has been filed by the petitioner on the ground that he is already in custody for a period of more than 6 months and the benefit of bail has already been afforded to the co-accused.

5. Notice of motion.

6. Since advance notice has already been served, Mr. I.P.S. Sabharwal, DAG, Punjab, appears on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

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



8. Heard.

9. It has been contended by learned counsel for the petitioner that the petitioner is innocent and this is a case where no injury has been inflicted on the person of complainant or any other person. It has been further contended that name of petitioner does not figure in the FIR, and that no specific role has been attributed to the petitioner. As per learned counsel for the petitioner, the petitioner has already suffered prolonged incarceration for being in custody since 27.07.2025. It has also been contended by learned counsel for the petitioner that nothing is left to be recovered from the possession of the petitioner and the investigation and trial are not likely to be concluded in near future.

10. Per contra, the learned State counsel has argued that offence committed by the petitioner is serious in nature and, therefore, his bail application has rightly been rejected by the learned trial Court. According to learned State counsel, if released on bail, the petitioner is likely to influence the witnesses. The learned State counsel on the basis of above submissions has pleaded that in the given facts situation, the petitioner is not entitled for the benefit of bail.

11. The record has been perused carefully.

12. If the facts and circumstances of the present case are analyzed in the light of above-mentioned principles of law, it transpires that:-

- i) that the petitioner is already in custody for a period of more than 6 months;
- ii) that nothing is left to be recovered from the possession of



petitioner;

- iii) that the benefit of bail has already been afforded to the co-accused;
- iv) that the name of the petitioner does not figure in the FIR. Rather he has been implicated on the basis of disclosure statement suffered by his co-accused, who was already in police custody, at the time of recording of statement. Thus there is a big question mark with regard to credibility and admissibility in evidence, of abovesaid disclosure/confessional statement;
- v) that this is a case where no serious injury was inflicted on the person of complainant;
- vi) that no weapon has been recovered from the possession of petitioner;
- vii) that the trial is not likely to be concluded in near future;
- viii) that detention of petitioner in judicial lock-up is not likely to serve any purpose;
- ix) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- x) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate 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 the concession of 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 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 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

05.02.2026

Manoj Bhutani

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