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

**108-2**

**CRM-M-61259-2024**

**Date of decision: 12<sup>th</sup> January, 2026**

Sukhdev Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Vrishank Suri, Advocate for the petitioner.  
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

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**MANISHA BATRA, J (ORAL):-**

The instant one is the third petition filed by the petitioner seeking grant of regular bail in case bearing FIR No. 215 dated 01.12.2020 registered under Sections 364-A, 369, 342, 506, 381, 427, 171, 120-B and 411 of IPC and Section 25 of Arms Act, 1959 at Police Station Dugri, Ludhiana, Punjab. His previous two petitions had been dismissed as withdrawn, whereas, one was disposed of with direction to the petitioner to approach the trial Court for seeking bail pending trial.

2. The aforementioned FIR was registered on the basis of a statement recorded by the complainant, Pankaj Gupta, on 01.12.2020, alleging therein that he had hired the co-accused Harjinderpal Singh as his driver some time back. On the same day, at about 1.45 PM, Harjinderpal Singh had taken the complainant's two-and-a-half-year-old son, namely Vinmar Gupta, in the Swift Dzire car of the complainant for a round and did not return. The wife of the complainant made a call on the mobile phone of the Harjinderpal Singh,

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who responded by stating that he had kidnapped her son and demanded ransom money, while also threatening her with dire consequences if the matter was reported to the police. The complainant thereafter approached the police for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. During the course of investigation, the statement of Shridhar Agarwal, a friend of the complainant, was recorded, who stated that on 01.12.2020, he had seen the minor child of the complainant sitting on the front seat of the Swift Dzire car, whereas the petitioner and co-accused Lal Singh were sitting on the rear seat of the car. He further stated that accused Harjinder Pal Singh was found bending near the rear number plate of the vehicle, and he identified them. The petitioner was thereafter nominated as an accused. Subsequently, the co-accused Mandeep Kaur also suffered a disclosure statement to the effect that the petitioner, along with co-accused Harjinder Pal Singh, had come to her house on the night of 01.12.2020 along with the abducted child and had stayed there till the morning of 02.12.2020. The petitioner was arrested on 26.03.2021. The investigation now stands completed, and the petitioner, along with the co-accused, is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in the present case on the basis of disclosure statements of the co-accused which cannot be considered to be admissible in evidence. He had been in custody since 26.03.2021 till 12.12.2024. The co-accused Sukhdev Singh alias Sukha, Lal Singh, and Mandeep Kaur have already been

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extended the benefit of bail. The trial is likely to take considerable time to conclude as only 15 out of 40 prosecution witnesses have been examined. The material witnesses including the eyewitness stand examined. There are no chances of petitioner's intimidating them. His further incarceration would not serve any useful purpose. His earlier bail petition had been disposed of on 22.02.2024. However, each day spent by him in custody has given rise to a fresh cause of action for seeking bail. He has been on interim bail since 12.12.2024 and has not misused the concession of bail granted to him. With these broad submissions, it is urged that he deserves to be extended the benefit of bail.

5. *Per contra*, learned State counsel has argued that there are serious and specific allegations against the petitioner, who was not only named by the eyewitness Shridhar Agarwal, but whose name was also disclosed by the co-accused Mandeep Kaur. His active participation in the abduction of the victim has been prima facie established. He had transported and concealed the abducted child and was involved in execution of ransom demands. There are chances of his committing similar offences if extended the benefit of bail. He is a habitual offender. It is, therefore, urged that the petitioner does not deserve to be released on bail.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner, in connivance with the co-accused Harjinder Pal Singh, is alleged to have abducted the minor child of the complainant for ransom. He is alleged to have facilitated the transportation of the victim to the

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house of the co-accused for the purpose of confining him there. He was seen by the eyewitness Shridhar Agarwal along with the co-accused at the time of abduction. The allegations, thus, make out a prima facie case against him. However, the petitioner has remained in custody from 26.03.2021 till 12.12.2024. The trial is likely to take considerable time to conclude, as only 15 out of 40 prosecution witnesses have been examined so far. The involvement of the petitioner in other cases cannot, by itself, be a ground for denying him the benefit of bail to him. There is substantive time gap between filing this petition and the previous petitions. The trial is procrastinating and there are no chances of its conclusion in near future. There is nothing on record to show that delay has been attributed to the petitioner. It is well proposition of law that each day spent by an accused in custody extends a cause of action to him to seek concession of bail. It is also well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by detaining the petitioner in custody. It is well settled preposition of law that the bail is the rule and jail is an exception. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, lest they prejudice the case of either of the parties, the petition is allowed and the petitioner is

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already on interim bail and will remain as such during the pendency of the trial subject to his furnishing fresh personal as well as surety bonds to the satisfaction of the learned Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]  
JUDGE

12<sup>th</sup> January, 2026  
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |