



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-59604 of 2025

Date of Decision: 05.02.2026

Bawan Singh and Another
... Petitioner(s)
Versus
State of Punjab
... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Piyush Sharma and Mr. Mange Ram Sharma, Advocates
for the petitioner(s).

Mr. I.P.S.Sabharwal, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. This is first petition for bail filed by the petitioner with regard to a case arising out of FIR No. 60 dated 23.06.2025 lodged in Police Station Ladhawal, District Ludhaina. The above mentioned FIR has been slapped for the commission of offence punishable under Sections 310(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as “BNS” only.
2. The above mentioned FIR came into being at the instance of ‘Nardev Kumar’, hereinafter being referred to as “complainant” only. It was stated by the complainant that he was working as Salesman at a liquor vend, namely ‘Monrich Liquor Shop’. According to complainant at about 03.30 A.M. he woke up due to sound of breaking of shutter of the vend. As per above named complainant, he saw that by breaking the lock fixed on the grill of the vend five persons had entered therein and three of them were muffled faced. It was further stated by the complainant that one of the above

said assailant threatened him to kill by showing a steel rod and the remaining assailants took away 36 bottles of brand 'Grand Affair' costing ₹22,670/-. The complainant further stated that since he had given the message about the breaking of lock of the liquor vend to its owner, namely 'Gopi', the team of liquor vend owner arrived at the spot and with a motive to stop the assailants from running away rammed their vehicle in the car of assailants. As per complainant, although four of the assailants managed to flee from the spot, but one was apprehended by the members of above said team.

3. It is the case of prosecution that in view of above mentioned information, formal FIR of this case was lodged and the investigation taken up.

4. Heard.

7. The record has been perused carefully.

8. If the facts and circumstances of the present case are analyzed in the light of relevant laws it transpires that following factors deserve to be taken into consideration:-

- i) that the petitioners are already in custody for a period of more than six months;
- ii) that the petitioners were implicated in the present case on the disclosure statement of co-accused, namely 'Davinder Singh' who was caught on the spot, which was recorded when he was already in police custody;
- iii) that the names of petitioners do not figure in the FIR.
- iv) that as per allegations contained in the FIR itself three of

the assailants were with muffled face and after arrest their test identification parade has not been conducted before the Magistrate;

- v) that nothing is left to be recovered from the possession of petitioners;
- vi) that the petitioners have no history of committing an offence of robbery or dacoity;
- vii) that the trial is not likely to be concluded in near future;
- viii) that detention of petitioners in the judicial lock-up is not likely to serve any purpose;
- ix) that there is nothing on record to show that while on bail, the petitioners are likely to tamper with the evidence or influence the witnesses; and
- x) that there is nothing on record to show that while on bail, the petitioners will not participate/cooperate in trial.

9. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of *Dataram v. State of Uttar Pradesh and Another*(2018) 3 Supreme Court Cases 22, has 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.”

10. 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 Supreme Court Cases 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.”

11. Recently, in the case of *Tapas Kumar Palit v. 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 above mentioned 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.”

12. 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.

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

14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioners are hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the above said concession shall be subject to following conditions:-

a) that the petitioners 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;

- b) that the petitioners 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 conclusion of trial; and
- c) that the petitioners shall not leave India without prior permission of the trial Court.

15. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

February 05, 2026
“DK”

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