



CRM-M-60545-2025 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(227)

CRM-M-60545-2025 (O&M)
Date of decision : 22.01.2026

SUKHCHAIN SINGH @ CHAINA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishu Mahajan, Advocate for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The petitioner has filed 8th petition seeking indulgence of this Court for grant of regular bail in case arising out of FIR No.66 dated 25.02.2020 registered under Sections 379-B, 342, 459, 506 and 34 of IPC (Sections 379B and 34 of IPC were deleted and Sections 395, 460, 325, 411 and 201 of IPC were added later on) at Police Station City Tarn Taran, District Tarn Taran.

2. As per the allegations, on the intervening night of 24/25.02.2020, 04 unknown youths had trespassed into the *Dera* wherein the victim Baba Mohinder Singh was residing, had assaulted him thereby causing injuries, snatched his cellphone and after taking away the money kept in the *Dera*, they had fled away. The victim had somehow informed his disciples who took him to hospital. During the course of investigation, one witness Kuldeep Singh recorded his statement that he

**CRM-M-60545-2025 (O&M)**

had seen the petitioner alongwith the co-accused while sitting in the *Dera* on 22.02.2020 and hatching a conspiracy to commit offence of dacoity somewhere. The petitioner was nominated as accused and was arrested. Recovery of an amount of Rs.12 lakhs was effected from his house on 29.09.2020. Subsequent recoveries were also effected from him. The co-accused were also arrested. The petitioner moved several applications for grant of bail and this is his 08th petition.

3. It is argued by learned counsel for the petitioner that he has been in prolonged incarceration for a period of more than 05 years and 10 months. There are bleak chances of conclusion of the trial even now since only 07 out of 25 witnesses have been examined. No useful purpose would be served by detaining him in custody anymore. His prolonged incarceration militates against the fundamental rights guaranteed under Article 21 of the Constitution of India. The recovery is even otherwise false and planted one. PW-6 Mohinder Singh victim has not identified the petitioner as one of the culprits and has not supported the prosecution version qua involvement of the petitioner in the subject crime. The eye-witness Kuldeep has also not supported the prosecution version. The co-accused have been extended benefit of bail. Each day spent by him in custody has furnished a ground for him to seek bail afresh. His previous petition had been dismissed about 10 months back. It is, thus, argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued the petition is not maintainable as the prayer made by the petitioner for grant of bail has

**CRM-M-60545-2025 (O&M)**

already been declined by this Court by passing a detailed order on 27.03.2025. There has been no substantive change in the circumstances. No new ground is made out for allowing the petition. Taking into consideration the antecedents of the petitioner, the possibility that he may commit similar offences again cannot be ruled out. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by counsels for the parties at considerable length.

6. The petitioner alongwith the co-accused is alleged to have committed the offence of lurking house trespass in the *Dera* of the victim-Mohinder Singh (PW6) and is alleged to have caused grievous injuries to him and looted an amount of Rs.1 crore 75 lakhs as kept in the *Dera*. The victim now stands examined and has not identified the petitioner as one of the culprits. The petitioner's incarceration is for a period of 05 years 10 months and 07 days as on date. It is well-settled law that the Court, while considering an application for grant of bail, has to keep certain factors in mind such as whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence, circumstances which are peculiar to the accused, likelihood of the offence being repeated, the nature and gravity of the accusation, severity of the punishment in the event of conviction, the danger of the accused absconding or fleeing if released on bail, and reasonable apprehension of the witnesses being threatened, etc. However, at the same time, the period of incarceration is also a relevant factor to be

**CRM-M-60545-2025 (O&M)**

considered while deciding whether bail should be granted to an accused charged with an offence. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Reliance in this regard can be placed on the observations made by the Hon'ble Apex Court in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi), 2023 SCC OnLine SC 352***, wherein it was observed that the jails are overcrowded and their living conditions are, more often than not, appalling. The danger of unjustified imprisonment is that inmates are more likely to be hardened rather than reformed. Reliance can also be placed upon ***Manmandal and Another v. State of West Bengal, Special Leave Petition (Criminal) No. 8656 of 2023 decided on 14.09.2023*** and ***Rabdi Prakash v. State of Odisha, 2023 SCC OnLine SC 110***, wherein bail was granted to the accused who had been incarcerated for a period of almost two to three years and the trial was likely to take considerable time. By observing that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution.

**CRM-M-60545-2025 (O&M)**

7. On analyzing the peculiar facts and circumstances of the present case in the light of the aforementioned principles of law, it transpires that the petitioner has suffered prolonged incarceration for over a period of 05 years 10 months and 07 days, the depositions made by the victim Mohinder Singh and also by Kuldeep Singh and the attendant facts and circumstances of the case, this Court is of the opinion that a case is made out for grant of bail to the petitioner at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) The petitioner shall appear before each and every date of hearing.
- (iv) The petitioner shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

**CRM-M-60545-2025 (O&M)**

(v) The petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

(vi) The petitioner shall surrender his passport, if any, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

9. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

10. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

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

(MANISHA BATRA)
JUDGE

22.01.2026
Amit Sharma

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