



CRM-M-62388-2025 (O&M)

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

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CRM-M-62388-2025 (O&M)
Date of decision : 03.02.2026

Varinder Singh @Bobby

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Simranjeet Sidhu, Advocate for the petitioner.

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

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Sections 379-b, 341, 34, 506, 307, 379 & 411 of Indian Penal Code and Section 25 of Arms Act, the FIR No.57 dated 21.10.2023, has been lodged in Police Station Samalsar, District Moga. The petitioner is being prosecuted for the commission of abovementioned offences and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is second petition for bail filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of 'Kuldeep Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named

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complainant that on 21.10.2023 at about 02:00 pm, when he was going from Village Bhalur to Mahla Kalan, on the way he was intercepted by two persons riding on a motorcycle. According to complainant, they blocked his way and forced him to stop and thereafter, the pillion rider of abovementioned motorcycle took out a revolver, placed the same on the temple of the complainant and then snatched the mobile phone and Rs.4200/- from the complainant.

3. It is the case of the prosecution that acting upon the abovementioned complaint, formal FIR of this case, was lodged and the investigation taken up.

4. The learned State Counsel has filed short reply as well as custody certificate of the petitioner. The same be taken on record.

5. Heard.

6. It has been contended by learned counsel for the petitioner that the petitioner is innocent, who has been falsely implicated in the present case without the support of any admissible evidence. According to learned counsel for the petitioner, the petitioner has already served imprisonment for a period of more than 02 years and 03 months, and that the trial is taking place at a very slow pace, which is not likely to be concluded in near future.

7. In addition to above, the learned counsel for the petitioner has also contended that in the present case, the statement of complainant- Kuldeep Singh has already been recorded, and that the above-named witness

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has not supported the prosecution case with regard to identity of the petitioner as one of the assailants. It has also been contended by learned counsel for the petitioner that former bail petition of the petitioner was dismissed on 18.03.2025, and that from the date of dismissal of former bail petition, no significant progress in trial has taken place.

8. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, in the present case there are very serious allegations against the petitioner, as in addition to Section 379B of IPC, Section 307 of IPC and Section 25 of Arms Act have also been added in this case. As per learned State Counsel, in fact when the police party had approached the petitioner to nab him with regard to investigation of present case, in his endeavour to escape, he had fired gunshot upon the police.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for the decision in the present petition: -

- i) that the petitioner is already in custody for a period of more than 02 years and 03 months;
- ii) that in the instant case no injury was suffered by the victim;
- iii) that the star witness of the case, i.e. the victim, has not supported the prosecution case with regard to identity of the petitioner as one of the assailants;

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- iv) that nothing is left to be recovered from the possession of petitioner;
- v) that the trial is not likely to be concluded in near future;
- vi) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence, or influence the witnesses; and
- viii) that there is nothing on record to show that if petitioner is released on bail, he will not participate/co-operate in the trial.

11. 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(2) R.C.R. (Criminal) 131, 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”.

12. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (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”.

13. 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”.

14. 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.

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

16. 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. However the abovementioned concession shall be subject to following conditions:-

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- (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 to disclose 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 the trial Court.

17. However, before parting with this order, it is relevant to mention here that the learned counsel for the petitioner has pointed out that the petitioner was facing a prosecution for the commission of offence punishable under Sections 307, 341, 427, 354, 506, 379-B, 188, 148, 149, 120-B of IPC and Sections 25/27 of Arms Act, and in the abovementioned case, he has been acquitted by the learned Additional Sessions Judge Ferozepur, vide judgment dated 26.11.2021, but in the short reply by way of affidavit, placed on record by the State, the petitioner has been shown to have been convicted in the abovementioned case.

18. In view of abovementioned fact, let a show cause notice be served upon Dalbir Singh, PPS, Deputy Superintendent of Police, Baghapurana, District Moga, and he is directed to submit a written explanation under what circumstances, a wrong information in the abovementioned reply by way of affidavit has been furnished in this Court and why requisite action be not initiated against him on the abovementioned act.



19. List this petition for abovementioned compliance purposes in IOIN category on 07.03.2025.

(SURYA PARTAP SINGH)
JUDGE

03.02.2026

Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No