



CRM-M-61342-2025

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

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CRM-M-61342-2025

Date of decision 15.01.2026

GURWINDER SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. J.S. Dhaliwal, Advocate
for the petitioner.

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

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 25 of Arms Act 1959 and Section 61(2) of Bharatiya Nyaya Sanhita, hereinafter being referred to as 'BNS' only [Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS' only added later on], the FIR No.0006 dated 10.06.2025, has been lodged in Police Station Special Operation Cell, District SAS Nagar, Mohali. With regard to commission of above mentioned offence, the petitioner has been arrested. He is in custody, and therefore, craving for the concession of bail. This is first 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 Inspector Ravinder Singh, who



reported to SHO, Police Station Phase Phase 1, Mohali that from a reliable source he had received a tip-off that Parspreet Singh, who had a criminal record, was in possession of illegal arms and residing at Zirakpur alongwith his associate Gurwinder Singh. According to above-named police officer, it was also told to him that the above-said persons were planning to commit some offence.

3. According to prosecution acting upon the above-mentioned information, the police apprehended the above said two persons on Zirakpur-Patiala road and from the possession of Parspreet Singh a 9 MM bore pistol alongwith magazines and 207 gram of Heroine were recovered, which were seized in accordance with the procedure enshrined under the law.

4. Reply has been filed by learned State counsel. The same be taken on record.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner is innocent, who has not committed any offence, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, the petitioner has no criminal antecedents.

7. In addition to above, the learned counsel for the petitioner has also contended that the quantity of contraband recovered from the possession of petitioner is non-commercial quantity being 207 gram of Heroine, and that the offence of being in possession of illegal arms is triable by Court of Sessions. It has also been contended by learned counsel for the petitioner that the petitioner has already served sentence for a period of almost 07 months, and that the trial in the present case is not likely to be concluded in near future,



as not even a single prosecution witness has been examined so far.

8. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel, the allegations against the petitioner are for the commission of an offence of serious nature, and that a large quantity of contraband has been recovered from the possession of petitioner. It has also been contended by learned State counsel that there is no delay in trial as the petitioner is in custody for a period of approximately 07 months only, which cannot be termed to be a period of prolonged incarceration.

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 approximately 07 months;
- ii) that nothing is left to be recovered from the possession of petitioner;
- iii) that the trial is not likely to be concluded in near future;
- iv) that the petitioner has no criminal antecedents;
- v) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- vi) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- vii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate 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) 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".

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. 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 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**, and subject to the conditions mentioned below, the petitioner is ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the 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 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.

(SURYA PARTAP SINGH)
JUDGE

15.01.2026

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