



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

222

CRM-M-62052-2025 (O&M)

Date of decision : 12.02.2025

Babbu Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Ms. Divya Nenon, Advocate for
Mr. Karajveer Singh, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J.

This is first petition for bail filed by the petitioner with regard to FIR No.48 dated 17.05.2025 under Sections 310(4), 310(5), 191(3), and 190 of the Bharatiya Nyaya Sanhita, 2023, Police Station Bareta, District Mansa. The abovementioned FIR came into being in response to a report of 'ASI Avtar Singh'. According to above-named police officer a team headed by him was on patrolling duty on Village Kulrian to Village Dharampura link road, when he got a tip-off that 7-8 persons including the petitioner were sitting on a tube-well in Village Dharampura and they were armed with various weapons and planning to commit robbery. According to above-named police official, finding the information trustworthy, he visited the place along with the accompanying police officials and found that three two-wheelers and one swift car was parked there. As per prosecution, the police



team conducted the raid and arrested the persons present there, including the petitioner.

2. According to prosecution since all the persons were armed with deadly weapons and they were planning to commit robbery, the abovementioned FIR for the commission of offence punishable under Sections 310(4), 310(5), 191(3) and 190 of BNS was lodged and the persons present on the spot duly arrested. Thereafter further investigation was conducted.

3. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

4. Heard.

5. It has been contended by learned counsel for the petitioner that the petitioner is in custody for a period of more than seven months, and that the trial is not likely to be concluded in near future. It has also been argued by learned counsel for the petitioner that nothing is left to be recovered from the possession of petitioner and that release of the petitioner on bail is not likely to cause any prejudice to the prosecution case. According to learned counsel for the petitioner, the petitioner is also entitled for the benefit of bail on the ground of parity as his co-accused, namely Rinku, Yogesh and Preet, have already been accorded the benefit of bail by this Court.

6. *Per contra*, the learned State Counsel has argued that there are direct, specific and categorical allegations against the petitioner, with regard to his involvement in the commission of offence, and that if released on bail he is likely to indulge in similar kind of activity. According to learned State



Counsel, since the nature of offence is serious, in view of gravity of offence, the petitioner is not entitled for the benefit of bail.

7. The record has been perused carefully.

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

- i) that the petitioner has already suffered a long incarceration for being in custody for a period of approximately eight months;
- ii) that co-accused of the petitioner, namely Rinku, Yogesh and Preet, have already been accorded the benefit of bail by this Court;
- iii) that nothing is left to be recovered from the possession of petitioner;
- iv) that the trial is not likely to be concluded in near future;
- v) that detention of the petitioner in judicial lock-up is not likely to serve any 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; and
- vii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

9. 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”.

10. 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”.

11. 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”.

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 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.

14. 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 furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to 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

12.02.2026
Gaurav Thakur

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