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

CRM-M No.62921 of 2025

Date of Decision: 16.02.2026

Kulwinder Singh @ Kinda**..... Petitioner**

Versus

State of Punjab**..... Respondent****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Eashan Bhardwaj, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Present fourth petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.61, dated 04.06.2020, under Section 395 of IPC, 1860 and Section 25 of Arms Act, 1959 (Section 411 IPC added later on), registered at Police Station Sadar Faridkot, District Faridkot. Further prayer has been made for granting interim bail to the petitioner during the pendency of the present petition.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Nipar Mittal, Branch Manager, IndusInd Bank, Tehna. It was alleged that on 04.06.2020, the complainant along with Varinder Kaur (Cashier), Dharminder Singh (Branch employee) and Veer Singh (Peon) was present in the Bank. At about

01:10 P.M., 04 young boys entered into the bank and out of which, 03 were



wearing masks and another person was sitting outside in a Honda City car. It was alleged that two of the persons, who had entered into the bank, were carrying pistols and 03rd one was carrying a big gun. One of them was also carrying a sword and gave blow of the same on the buttock of peon and thereafter gave two blows of the same on the complainant, which hit on his left bicep and left shoulder. It was alleged that they locked Veer Singh (peon) in the bathroom and then, looted an amount of Rs.3,43,050/-. It was alleged that while leaving, they also took away their mobile phones and gold chain along with gold ring of Varinder Kaur (cashier). Thus, the request was made to take legal action against the accused. On the basis of the same, the FIR was registered and the investigation commenced. During the investigation, complicity of the petitioner, namely, Kulwinder Singh @ Kinda surfaced and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 29.10.2022. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge-I, Faridkot praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge-I, Faridkot dismissed the bail application filed by the petitioner vide order dated 07.02.2023. Being aggrieved, the petitioner earlier approached this Court thrice praying for the grant of regular bail by way of filing CRM-M-17741-2023, CRM-M-64483-2023 and CRM-M-57414-2024, however, all the petitions were dismissed vide orders dated 18.08.2023, 08.05.2024 and 07.02.2025, respectively. Thereafter, the petitioner approached the Hon'ble Supreme Court praying for the grant of



bail by way of filing SLP (Criminal) No.44544 of 2025, however the same was also dismissed vide order dated 26.08.2025. Hence being aggrieved, the petitioner is again before this Court praying for grant of regular bail by way of filing the present fourth petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that in all there are 08 accused in the present case and out of them, 07 accused are already on bail. He has submitted that though the petitioner was declared as proclaimed offender in the present case on 04.12.2020, however, thereafter, he was arrested on 29.10.2022 and since then, he is behind bars. He has submitted that the petitioner has completed an incarceration of more than 03 years, however the material witnesses already stand examined. He has further submitted before this Court that though the petitioner was falsely implicated in 05 other cases, however, out of those 05 cases, in 04 cases, he has been acquitted and in remaining 01 case, he is already on bail. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. He has submitted that the car used in the offence and the cash amounting to Rs.30,000/- was recovered from the petitioner. He has submitted that the petitioner was declared as proclaimed offender and he could be arrested only after about 02 years thereafter. He, on instructions, has submitted that out of total 35 prosecution witnesses, 19 witnesses still remain to be examined. He however, on instructions, has submitted that the petitioner is involved in 09 other cases.



He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is deciphered that out of the total 08 accused, 07 accused are already on bail. The case of the petitioner has been contended to be at par with rest of the co-accused, who are already on the bail. However, since the petitioner was declared as proclaimed offender, he was arrested later on and since then, he is behind bars. Custody certificate produced would show that the petitioner has suffered an incarceration of 03 years, 03 months and 14 days as on 15.02.2026. It further reflects that the petitioner is involved in 05 other cases, however, in 04 of the cases, he has been acquitted. Out of total 35 prosecution witnesses, 19 witnesses still remain to be examined.

7. The Hon'ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

8. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in '**Javed Gulam Nabi Shaikh Vs. State of Maharashtra,**



Criminal Appeal No. 2787 of 2024’, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

9. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on the basis of the parity.

10. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

11. Nothing said herein shall be treated as an expression of opinion on the merits of the cases.

16.02.2026
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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No