

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

107

2026.PHHC:010164



**CRM-M No.70070 of 2025
Date of decision : 23.01.2026
Date of uploading : 23.01.2026**

Jeewan Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. M.S. Saini, Advocate, for the petitioner

Mr. Adhiraj Singh, AAG, Punjab.

Mr. Vishal Sharma, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.10 dated 1.3.2025 under Sections 140(3) of Bharatiya Nyaya Sanhita, 2023 (Sections 190, 191(3), 127(2) of BNS added later on), registered at Police Station Rawalpindi, Kapurthala.

1.1 The present shall be read in respect of offence under Section 140(2), 115(2) of Bharatiya Nyaya Sanhita, 2023 as well.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Salim son of Zakir, resident of village Samspur Kala, police station Sarsawa, district Saharanpur, state Uttar Pradesh, age about 27

years, phone number 90270-33155, stated that I am a resident of the above address and we are seven brothers and one sister. My building shop is in Panipat. My brother Kamal, car number UK 08 AS 8389, brand Ceretta, color white, went to Punjab Phagwara on 26.02.2025 for work. On 27-2-2025 at around 11 pm, I received a call from my brother Kamal's phone number 97194-53979 and my phone number 90270-33155 on WhatsApp, but some unknown person called and said that this is the number of your brother Kamal, whom we have kidnapped along with the car, come and meet us. On which I came to Phagwara to rescue my brother Kamal and who asked me to meet my brother Kamal by car and sent me a location for Phagwara. On which I reached the location I did not find my brother at that place nor did I find his car, so I have been searching for my brother till now, but I did not find him. On which I have come to the police station to give information, the kidnapper should be arrested and my brother should be rescued and strict legal action should be taken against the accused and justice should be done, I have written a statement, I heard it is correct, the statement is correct /-Salim Attestation is sd /-Jagdish Raj SI Police Station Rawalpindi District Kapurthala dated 01.03.2025.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 01.03.2025. Learned counsel has further argued that investigation qua the FIR in question is already complete and trial is not progressing and folly thereof cannot be attributed to the petitioner. Learned counsel has further submitted that the prime role of the petitioner is that his premises is used as a shelter/house for keeping the abductee. Learned counsel has further submitted that the FIR in question was registered on the basis of a misunderstanding and same has been resolved by way of compromise dated 13.10.2025 with the complainant (copy whereof has been appended as Annexure P-2 with the instant petition). Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the

petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 22.01.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 01.03.2025 whereinafter investigation was carried out and challan stands presented on 17.05.2025. Total 20 prosecution witnesses have been cited and it is not in dispute before this Court that none has been examined till date. It is thus indubitable that culmination of trial will take its own time. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.1 The rival contentions, including the weightage/veracity required

to be attached to the compromise dated 13.10.2025 with the complainant (copy whereof has been appended as Annexure P-2 with the instant petition) ; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.2 As per custody certificate dated 22.01.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 10 months and 18 days & is shown to be involved in one more FIR/case. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is

ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

23.01.2026
Naveen

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