

In the High Court of Punjab and Haryana, at Chandigarh**Criminal Misc. No. M-72280 of 2025****Date of Decision: 26.02.2026**

Nek Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.Present: Mr. Gaurav Partap Singh Pathania, Advocate
for the petitioner(s).Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent.**Surya Partap Singh, J.**

1. This petition for bail is first petition filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 46 dated 02.05.2025, for the commission of offence punishable under Section(s) 420 and 120-B of 'the Indian Penal Code, 1860' Police Station Sadar Pathankot, District Pathankot, Punjab.

2. The FIR of this case came into being at the instance of 'Ranjit Singh', hereinafter being referred to as "complainant" only. The above named complainant had complained that 'Nek Singh' (petitioner herein), who was acquainted with the brother of complainant, namely 'Arjun Singh' had projected that he had links with high-ups and that he could get any of their family members appointed in a government department. According to

complainant, for the appointment of his nephew, namely 'Ritesh Thakur' and his wife 'Neeti Thakur' in Jail Department and Punjab Gramin Bank, respectively, the above named accused had demanded a sum of ₹7,00,000/- and that about three years ago ₹4,00,000/- and ₹3,00,000/- were paid to the accused. But the accused neither arranged job for the family members of the complainant nor returned the money and thus, he duped them.

3. It is the case of the prosecution that in view of above mentioned statement, formal FIR of this case was lodged and the investigation taken up.

4. Heard.

5. The record has been perused carefully.

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

- i) that the petitioner is already in custody for a period of more than five months;
- ii) that the offence is triable by the court of Judicial Magistrate;
- iii) that as per allegations contained in the FIR, the alleged payment by the complainant, itself, was not legal as the money was being paid by him as an illegal gratification to secure job;
- iv) that the dispute between the petitioner and complainant seems to be a simple dispute of non-return of money and for that purpose civil remedy is available to the

complainant;

- v) that the investigation in this case is already complete and therefore, nothing has been left to be recovered from the possession of petitioner;
- vi) that trial of the case is not likely to be concluded in near future;
- vii) that detention of the petitioner is not likely to produce a fruitful result;
- viii) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- ix) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

7. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of 'Dataram v. State of Uttar Pradesh and Another' (2018) 3 Supreme Court Cases 22, has 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.”

8. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 Supreme Court Cases 51, are also relevant in this case. In the above mentioned 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.”

9. Recently, in the case of ‘Tapas Kumar Palit v. State of Chhattisgarh’, 2025 SCC Online SC 322 the Hon’ble Supreme Court of India 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 above mentioned 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.”

10. 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.

11. If the cumulative effect of all the above mentioned 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.

12. 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 above said concession shall be subject to following conditions:-

- a) 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;
- b) 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 conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

(Surya Partap Singh)
Judge

February 26, 2026
“DK”

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