



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

**CRM-M-32567-2024**

**Date of decision : 26.03.2025**

**Gurwinder Singh @ Golu**

**.....Petitioner**

**versus**

**State of Punjab**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sandeep Arora, Advocate  
for the petitioner.

Mr. J.S. Arora, DAG, Punjab assisted by  
ASI Amrik Singh.

**RAJESH BHARDWAJ, J. (Oral)**

1. Petitioner has approached this Court by way of filing the present second petition praying for grant of regular bail to him in case FIR No.83 dated 11.10.2021, under Sections 379-B, 379-B(2), 326, 201, 397 of IPC, 1860, registered at Police Station Nurmahal, District Jalandhar Rural.

2. Succinctly facts of the case are that the FIR in the present case has been recorded on the statement of complainant Karnail Singh. It was alleged that on 10.10.2021, he was coming on his Activa from Petrol Pump Village Bir Bansian towards his village. When he was about 2 kms away from his Village, two young clean shaven boys came on motorcycle and they stopped his Activa. The boy who was sitting pillion pulled out datar from his back and started threatening the complainant. On his resistance, he gave datar blow on his left hand and thereafter gave 3-4 datar blows on his right arm and hand. They snatched Rs.4300/- from his pocket. Thereafter, his son Lakhveer Singh came on the spot for shifting him to the hospital for treatment. Request was made to take legal action



against the culprits. On registration of the FIR, investigation commenced. During investigation, petitioner was identified as one of the accused and thus, he was arrested on 04.12.2021. He approached the Court of learned Sessions Judge, Jalandhar praying for grant of bail. However, after hearing counsel for both the sides, learned Sessions Judge, declined the same vide order dated 30.03.2022. Being aggrieved, petitioner earlier approached this Court praying for grant of regular bail which was allowed to be dismissed as withdrawn vide order dated 14.11.2022. Hence, petitioner is before this Court by way of filing the present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner was falsely implicated in this case. He submits that the petitioner is behind bars since the date of his arrest. He submits that though the petitioner was arrested in some other case however, on the basis of confessional statement of co-accused, he was implicated in the present case. He further submits that petitioner is behind bars since 04.12.2021. He submits that though petitioner was involved in other cases but he is on bail in some of the cases. It is submitted that petitioner has suffered incarceration of more than 03 years but till date the trial is not concluded. He however, submits that co-accused is already on bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the allegations against the petitioner are serious in nature. He further submits that during investigation, recovery of datar and motorcycle was also effected from the petitioner. He has placed on record the custody certificate of the petitioner and submits that petitioner is a habitual offender. He on instructions from ASI Amrik Singh submits that out of 23 prosecution witnesses, only 06



witnesses have been examined so far.

5. After hearing counsel for the parties and perusing the record, it is apparent that petitioner is behind bars in this case since 04.12.2021. Custody certificate filed by the State would show that petitioner has suffered incarceration of 03 years 01 month and 14 days as on 25.03.2025. Though petitioner is involved in seven other cases, however, he is on bail in those cases. Needless to say, speedy trial is the fundamental right of every accused. Petitioner has suffered incarceration of more than 03 years however, the prosecution has not been able to examine even half of the witnesses till date.

6. 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.”

7. 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.



8. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

26.03.2025  
*m.sharma*

( **RAJESH BHARDWAJ** )  
**JUDGE**

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