IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-42860-2025
Reserved on: 08.09.2025
Pronounced on: 01.10.2025

JASKARAN SINGH @ JASKARAN SINGH @ GOSHA **...PETITIONER**

VERSUS

STATE OF PUNJAB **…RESPONDENT**

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Tarun Singla, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
61	29.03.2025	Talwandi Sabo, District Bathinda	111 of BNS, 2023

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 11 of the bail application and para 11(D) of the reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	18	23.02.2024	21B/61/85 of NDPS Act	Talwandi Sabo, District Bathinda
2.	61	29.03.2025	111 BNS	Talwandi Sabo, District Bathinda

3. The facts and allegations are being taken from the order dated 16.05.2025 passed by the Additional Sessions Judge, Bathinda, which reads as follows:

> *"As per prosecution story, the police of PS Talwandi Sabo got a lead against the applicant and co-accused Varinder Singh @ Vimpi and Varinder Singh @ Bindi regarding their indulgence in the commission of various acts of looting etc. The police record revealed the involvement of the applicant and other co-accused in previous similar incidents and other criminal cases. Believing the information being credible, a formal FIR was got registered and the raid was conducted at the disclosed place, situated near Natt Road, Talwandi Sabo, from where the applicant and co- accused armed with weapons were spotted. The applicant and*

> *co-accused tried to escape on noticing the police party. However, they were apprehended by the police party and their names and particulars were ascertained and the police recovered a baseball bat and an iron Khanda from their possession. As per police record, the applicant was involved in a previous NDPS case. The applicant has now approached this court for grant of regular bail."*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

> *"B. The evidence against the petitioner.*
>
> *It is submitted that the first and foremost evidence against the accused/petitioner Jaskaran Singh alias Gosha is solid and reliable secret information and then the recovery of deadly weapon 'Wooden Baseball' fitted in wooden handle on the spot effected from him.*
>
> *C. The role of the petitioner.*
>
> *It is submitted that the accused/petitioner Jaskaran Singh alias Gosha and his co-accused persons, involved in the present case FIR, are drug addicted and habitual offenders. On dated 29.03.2025, he along with his associates, while armed with deadly weapons, robbing passersby persons on Natt Road, Talwandi Sabo and consequently, arrested by the investigating officer with deadly weapon 'Wooden Baseball' in the present case FIR."*

REASONING:

8. There is nothing except that he is a member of gang involved in organised crime. There is sufficient primafacie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

9. Per paragraph 08 of the bail petition, the petitioner has been in custody since 29.03.2025. Per the custody certificate dated 11.08.2025, the petitioner's total custody in

this FIR is 04 months and 12 days.

10. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.[1]In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.[2] Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.[3] Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.[4] When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.[5]

11. Given the above, the penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

12. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

13. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

14. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of

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1 Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

2Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

3 Supreme Court of India in Siddharam Satlingappa Mhetre v. State of Maharashtra, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

4 Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

5 Supreme Court of India in Sanjay Chandra v. CBI , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

15. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

16. This order is subject to the petitioner's complying with the following terms.

17. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

18. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

19. <u>This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.</u>

20. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

21. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

22. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025), in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

23. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

01.10.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.