



CRM-M-48572-2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M-48572-2025 (O&M)
Date of Decision: 17.09.2025

Mandeep Masih @ MP

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Ms. Pridhi Sandhu, Advocate – Legal Aid Counsel
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.143 dated 28.12.2023 registered under Sections 307, 34 of the Indian Penal Code and Section 25 of the Arms Act, at Police Station Dhariwal, District Gurdaspur.

2. Brief facts of the prosecution are that on 28.12.2023 the Police got telephonic information that three unknown persons had fired gun shots upon Sahil Bhagat @ Shally. On 31.12.2023, the injured Sahil Bhagat got recorded his statement to the effect that Navdeep Singh @ Gulla had fired shots at him from his pistol, which hit on his left thigh. When Sahil Bhagat tried to run away, Navdeep Singh @ Gulla followed him and fired 2/3 more shots from another pistol carried by him in another hand, hitting on the



CRM-M-48572-2025 (O&M) -2-

shoulder and chest of Sahil Bhagat. As a result, the injured Sahil Bhagat fell down, when Mandeep Singh @ MP (petitioner) exhorted not to spare him.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He is only alleged to have exhorted not to spare Sahil Bhagat @ Shally after co-accused Navdeep Singh @ Ghulla had already fired shots at him. No injury has been attributed to the petitioner. The petitioner is behind bars since 15.03.2024. The investigation in the case is complete and final report under Section 193 BNSS has since been submitted. The trial has also commenced, wherein, the injured has been examined as PW1 and thus, there is no apprehension of threatening the material witness by the petitioner. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is also involved in one more case and has been convicted in another case, meaning thereby he is a habitual offender.

6. Having heard learned counsel for the parties at length, and after perusing the record of the case, it transpires that the allegations against the present petitioner are that he exhorted the co-accused Navdeep Singh @



CRM-M-48572-2025 (O&M) -3-

Ghulla not to spare Sahil Bhagat. From the custody certificate, it is evident that the petitioner is in custody for the last about 1½ years; investigation is complete; challan stands presented; prosecution evidence already commenced, and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein, Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

8. As regards the submission of learned State counsel that petitioner is involved in other criminal cases, reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be



CRM-M-48572-2025 (O&M) -4-

rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

9. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

17.09.2025
'gian'

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