



CRM-M-51255-2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-51255-2025 (O&M)
Date of Decision: 17.09.2025

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. BBS Randhawa, Advocate 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.81 dated 28.11.2024 registered under Sections 109/111/3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 25 of the Arms Act, at Police Station Kotli Surat Malhi, District Gurdaspur.

2. Brief facts of the prosecution are that the FIR was lodged on the statement of Sukhdev Singh-complainant, who alleged that on 25.11.2024 at about 6.30 pm, two youths with muffled faces came on a motorcycle. One of them got off and knocked at the gate of the house of the complainant and asked about Tajinder's house and when the complainant told him that Tajinder had shifted to Amritsar, they left. Thereafter on 28.11.2024 at 5.20 pm, two persons again knocked at the gate of the house of the complainant



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and asked for Tajinder's house. One of them was armed with pistol and tried to shoot at complainant, but the pistol did not fire and the complainant ran inside the house. None of the youths said anything else or threatened the complainant. The youths fled on their motorcycle.

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 contends that the petitioner was not named in the FIR nor any Test Identification Parade has been conducted for identification of the accused. He was nominated as an accused on the basis of disclosure statement made by co-accused Basant Singh. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of a co-accused during his custodial interrogation is not admissible. He argued that in the present case, no injury was caused to the complainant. No specific role has been attributed to the petitioner and the alleged pistol has been recovered from co-accused Basant Singh and Amanpreet Singh. The motorcycle has been recovered from co-accused Gurnam Singh. The petitioner is behind bars since 26.07.2025. The investigation in the case is complete and final report under Section 193 BNSS has since been submitted. Further, co-accused Gurnam Singh has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 07.07.2025 passed in CRM-M-24949-2025. Moreover, the petitioner has clean antecedents as he is not involved in any other case. He further submits that the trial will take a long time to conclude and no useful purpose would



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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. However, he has not controverted the fact that petitioner is first time offender as he is not involved in any other case.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it transpires that in the present case, no injury was caused to the complainant and the alleged attempt to fire the shot was by one of the co-accused. The present petitioner was nominated on disclosure statement. As per the custody certificate, it is evident that the petitioner is in custody for the last about nine months; investigation is complete; challan stands presented, 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



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