



CRM-M-53483 of 2025

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

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CRM-M-53483 of 2025
Date of Decision: 26.09.2025

Gursharan Singh @ Shano @ Sanno

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Raghav Soni, 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.183 dated 21.06.2025 registered under Sections 304(2) and 62 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Islamabad, District Amritsar.
2. Brief facts of the present case are that the FIR was lodged by one Jaspal Singh-complainant, who stated that the petitioner in connivance with other co-accused threw poisonous substances upon him and tried to snatch his mobile phone and cash.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has not committed any such offence as alleged in the FIR. He further contends that all the offences



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are triable by the Magistrate. No recovery is to be effected from him. The petitioner is in custody since 22.06.2025. The investigation in the case is complete and challan also stands presented. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Further, co-accused Sonu @ Sonu Singh, who was apprehended at the spot, has already been granted the concession of regular bail by this Court, vide order dated 02.09.2025. He further submits that the trial may 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, 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 the 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 is evident that the petitioner is in custody for the last more than 03 months; investigation is complete; challan stands presented, and the fact that the 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 the near future would be violative of his rights under Article 21 of the Constitution of India.

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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 her 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

26.09.2025
D.Bansal

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