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

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**CRM-M-10700 of 2025  
Date of Decision: 09.09.2025**

Amrik Singh @ Mika

**...Petitioner**

Versus

State of Punjab

**...Respondent****CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. J.S. Mahal, Advocate  
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

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**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.0058 dated 23.08.2024 registered under Sections 109, 115(2), 118(1), 126(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Qadian, Batala, District Gurdaspur.
2. Brief facts of the present case are that as per the prosecution, on 18.08.2024, the petitioner in connivance with co-accused caused injury with datar blow, on the head of the complainant with an intention of kill him, due to some money dispute between them.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with



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the said offence. It has also been contended that the alleged occurrence is dated 18.08.2024 and the FIR in question was registered on 23.08.2024 i.e. after an unexplained delay of 05 days, casting serious doubt on the prosecution story. Further, learned counsel for the petitioner has placed on record a copy of the cross-examination of the complainant-Gurnam Singh dated 04.07.2025, whereby, he has not identified the petitioner to be the person who had caused injury to him. The petitioner is in custody since 26.08.2024. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the 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 petitioner, filed custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is involved in another case meaning thereby he is a habitual offender.

6. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, 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*



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*an exception”.*

7. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), 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 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."*

8. 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 01 year, investigation is complete; challan stands presented; charges have also been framed; complainant has been cross-examined who has not identified the petitioner to be the person who had caused injuries to him, 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 the near future would be violative of his rights under Article 21 of the Constitution of India.

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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.

**09.09.2025***D.Bansal***(RUPINDERJIT CHAHAL)  
JUDGE**

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