



CRM-M-54236 of 2025

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

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CRM-M-54236 of 2025  
Date of Decision: 30.09.2025

Arshvir Singh

....Petitioner

Versus

State of Punjab

....Respondent

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

Present: Mr. Harsh Chopra, 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.12 dated 11.02.2025 registered under Sections 140 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (Section 103 of the BNS added later on), at Police Station Chamkaur Sahib, District Rupnagar.
2. Brief facts of the present case as per the prosecution are that the petitioner in connivance with other accused murdered the son of the complainant, due to some altercation 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 the said offence. He further argued that allegedly deceased (Harwinder Singh) went missing on 07.02.2025 and the FIR in question was registered

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on 11.02.2025 i.e. an unexplained delay of more than three days, casting serious doubt on the prosecution story. He further argued that none of the PWs examined so far have supported the case of the prosecution. To lend force to his contention, he has drawn the attention of this Court to the statement of the complainant-Kewal Singh (Annexure P-5), alleged eye-witness Harmeet Singh (Annexure P-6), Didar Singh (Annexure P-7) and Sandeep Singh (Annexure P-8) made before the trial Court wherein none of these witnesses have supported the case of the prosecution. He further argued that PW-Satnam Singh is not an eye-witness to the alleged occurrence and as such, his evidence even if recorded would have no evidentiary value in the eyes of law. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 13.02.2025. The investigation in the case is complete and challan also stands presented. He further submits that 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 grant of bail by submitting that the offence committed by the petitioner is serious in nature as he was involved in the heinous crime of murder of the son of the complainant. However, he has not controverted the fact that the complainant and eye-witness have turned hostile and that the petitioner is first time offender as he is not involved in any other case.

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6. Having heard learned counsel for the parties at length and after perusing the record of the case, it transpires that the complainant and the other star witnesses have not supported the prosecution case and have not identified the petitioner before the trial Court. The petitioner is in custody for the last more than 07 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 especially in the facts and circumstances of the present case. The further detention of the petitioner 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.

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.

**30.09.2025***D.Bansal***(RUPINDERJIT CHAHAL)  
JUDGE**

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