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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-46234 of 2025
Date of Decision: 30.09.2025

Basant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Anosh Samson, 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 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 25 of the Arms Act (Section 111 of the BNS added later on), at Police Station Kotli Surat Malhi, District Batala.

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



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pm, two persons again knocked at the gate of the house of the complainant 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 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 and motorcycle has already been recovered. The petitioner is behind bars since 19.12.2024. 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 be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He further



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submits is a member of Organized Crime Syndicate being run by one gangster. He has further submitted that the petitioner is involved in two more cases meaning thereby he is a habitual offender.

5. 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 09 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 the near future would be violative of his rights under Article 21 of the Constitution of India.

6. 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*".

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



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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. 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

30.09.2025
D.Bansal

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