

CRM M-15502 of 2026

2026:PHHC:097502



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM M-15502 of 2026
Date of Decision: 15.07.2026

Avtar Singh @ Tari ...Petitioner

Versus

State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Vaibhav Sharma, Advocate
for the petitioner.

[Mr. Amit Rana, Sr. DAG, Punjab.](#)

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail in case in FIR No. 15 dated 15.03.2016 under Sections 364 and 365 IPC, (Now, Sections 140 (1) and Section 140 (2) of BNS, 2023), Police Station Fatehgarh Churian, District Batala.
2. Learned counsel for the petitioner has vehemently argued that the present FIR No. 15 dated 15.03.2016 under Sections 364 and 365 IPC was initially registered on 15.03.2016 against unknown

persons. In fact, the petitioner was neither named in the FIR nor in the statement of any of the witnesses initially. During the course of investigation, the petitioner was arrested on 01.07.2018 only on the basis of suspicion. However, the investigation was conducted and the Investigating Officer himself moved an application before the Court of Judicial Magistrate 1st Class, Batala, seeking discharge of the petitioner. Vide order 10.01.2019 (Annexure P-3), the Magistrate discharged the petitioner. However, again the petitioner was arrested on 22.01.2023 and is languishing in jail for the last about 02 years and 11 months. He further submits that even charge sheet has already been presented in the present case and the custody of the petitioner will not serve any purpose. He further submits that even the arrest of the petitioner in the present case is illegal and he has been kept in custody without any evidence against him. Apart from that, the petitioner has been made a scapegoat by fabricating evidence against him.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, the petitioner was also arrested earlier on 01.12.2018. However, the police moved the application before Judicial Magistrate 1st Class, Batala, and the petitioner was ordered to

be discharged on 10.01.2019. Thereafter, the petitioner was arrested by the police on 22.08.2023. Now again, the petitioner is in custody for the last 02 years, 10 months and 25 days and the custody of the petitioner will not serve any purpose. Apart from that, there is no material to indicate that the petitioner is in a position to influence the witnesses or may abscond from the process of law.

6. In view of the above, without commenting any further on the merits, 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.

15.07.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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