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

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Date of Decision: 18.11.2025

Gauravdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Sumit Puri, 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.230 dated 26.11.2022 registered under Sections 307, 379-B(2), 397, 120-B IPC and Section 25 of Arms Act, registered at Police Station Beas, District Amritsar.

2. Brief facts of the present case are that as per the prosecution 3-4 persons with muffled faces entered the house of complainant and robbed her of 15,000 Euros and 1.5 Kg Gold and two mobiles on gun point. The son of complainant recognised one of them, upon which one person fired a shot towards him with an intention to kill him and all of them fled from the spot. Hence the present FIR was registered.

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. He submits that no specific role has been attributed to the present petitioner in the offence in question. He further submits that if the prosecution version is believed to be true, even then the only allegation against the petitioner is that he was standing outside the house of the complainant at the time of alleged offence. To buttress his argument, he has relied upon Annexure A-1, Statement of complainant-Simmi. He further submits that the firearm injury has been solely attributed to the co-accused Prabhjot Singh. He further submits that the investigation in the present case is complete, charges have been framed, out of 29 prosecution witnesses only four has been examined so far. He further submits the is in custody since 09.03.2023, as such conclusion of trial will take a long time. Hence he prays that the present petition be allowed.

4. Learned State counsel has filed status report in the matter 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 submits that the petitioner was one of the accused who committed robbery at the house of complainant. He further submits that the petitioner is involved in one more case 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 2 years and 08 months; investigation is complete; challan stands filed; charges have been framed; out of 29 prosecution witnesses only 4 have been examined till date and trial is proceeding at snail's pace. No useful purpose would be served by keeping the petitioner in further custody. His continued detention without the prospect of the trial



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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 the judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein the 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 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."

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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.

18.11.2025*sk/D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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