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

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CRM-M-1652 of 2025  
Date of Decision: 27.10.2025

Balvir Ram @ Modhi @ Kalu

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Sumit Dua, 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.165 dated 21.06.2023 registered under Sections 302, 148 and 149 of the IPC (Sections 216 and 120-B of IPC added later on), at Police Station Phillaur, District Jalandhar.
2. Brief facts of the present case as per the prosecution are that the petitioner in connivance with other accused murdered Gagandeep (relative 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 argued that the petitioner has been named in the present case only because one day prior to the alleged occurrence, there was some

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altercation between the petitioner and the deceased-Gagandeep. He further argued that even the alleged injury imputed to the petitioner is on the wrist i.e. non-vital part of the deceased. Further, in his supplementary statement given before the police, the complainant had not uttered anything about the role of the present petitioner in the alleged incident. Further, co-accused Balwinder Singh @ Sonu, Roshan Bains @ Ashok Kumar, Manpreet alias Mani and Naresh Kumar @ Neshi have already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide orders dated 26.04.2024, 11.03.2025, 09.07.2025 and 17.07.2025, respectively. The petitioner is in custody since 11.10.2023. The investigation in the case is complete, challan stands presented and charges have also been framed and out of 32 prosecution witnesses, only 01 has been examined till date. 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. Learned State counsel has already filed the 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 as he was involved in the heinous crime of murder of one Gagandeep, relative of the complainant. He further submits that the motive of murder was the previous litigation between the petitioner and the deceased. He has further submitted 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 transpires that as per the prosecution story,



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the injury attributed to the petitioner is on the wrist i.e. non-vital part of the deceased. It is not disputed that the petitioner is in custody for the last more than 02 years; investigation is complete; challan stands presented; charges framed; the trial is proceeding at snail's speed; out of 32 witnesses, only 01 has been examined till date meaning thereby the 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 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*



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*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**

**27.10.2025***D.Bansal*

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