



CRA-S-410-2025 -1-

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

225

**CRA-S-410-2025
Date of Decision: 29.10.2025**

Gurjeet Saini alias Kaka

....Appellant

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Japjit Singh Johal, Advocate
for the appellant.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Present appeal is directed against the order dated 23.01.2025 passed by the learned Judge, Special Court, Hoshiarpur dismissing the application of the appellant for grant of regular bail in case FIR No.133 dated 12.05.2023 registered under Sections 302, 120-B, 148, 149, 212 and 216 of IPC, Sections 25 and 27 of Arms Act and Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (For short hereinafter referred to as 'SC/ST Act'), at Police Station Model Town, District Hoshiarpur.

2. Brief facts of the present case are that as per the prosecution, the petitioner along with other co-accused murdered one Sajan (brother of the complainant).



CRA-S-410-2025 -2-

3. Learned counsel for the appellant contends that the appellant has been falsely implicated in the present case. He further contends that neither the appellant was named in the FIR nor has any concern with the alleged offence. He argued that the present appellant has been nominated in this case as an accused only on the basis of suspicion without any concrete evidence, that too only upon the supplementary statement of the complainant-Mani made on 15.05.2023 i.e. after an unexplained delay of 03 days of registration of the FIR, casting serious doubt on the prosecution story. He further argued that in fact, it is a case of version and cross-version. He further argued that co-accused Jaspreet Singh @ Channa has also suffered gun shot injuries and remained hospitalized from 12.05.2023 till his arrest on 03.06.2023. He further argued that there is only one injury on the deceased-Sajan i.e. a gun shot on his head and the same has not been attributed to the present appellant. He further argued that no offence under SC/ST Act is made out against the appellant. He has further contended that the appellant is in custody since 05.08.2023. Further, co-accused Gurbinder Singh has already been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 02.05.2024. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 26 prosecution witnesses but none has been examined till date and as such, 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 appeal deserves to be allowed.



CRA-S-410-2025 **-3-**

4. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, has vehemently opposed the prayer for bail by submitting that the offence committed by the appellant is serious in nature. He argued that the appellant has actively participated in the occurrence and fired upon the deceased and also got recovered 32 bore pistol along with magazine & four live cartridges. He has further submitted that the appellant is also involved in multiple cases meaning thereby he is a habitual offender.

5. Notice was served to respondent No.2 but none has put in appearance on his behalf.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the appellant is in custody for the last more than 02 years and 02 months; investigation is complete; challan stands presented; charges framed, 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 appellant 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.

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 his 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*



CRA-S-410-2025 -4-

exception”.

8. As regards the submission of learned State counsel that the appellant 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."

9. In view of the above, the present appeal is allowed and the appellant 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

29.10.2025
D.Bansal

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