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CRM-M-15180-2025

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2025/PHHC-158854



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-15180-2025
Date of decision: 17.11.2025

AMARJEET SINGH @ MAKHAN

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Arvind Kashyap, Advocate for the petitioner.

Ms. Alisha Soni, AAG 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.267 dated 30.11.2024 registered under Sections 25(6), 25(7)(i) of Arms Act, 1959 and Section 111 of Bharatiya Nyaya Sanhita, 2023 (Sections 61(2), 249 and 317(2) of the BNS added later on), at Police Station Sadar Faridkot, District Faridkot.

2. Brief facts of the present case as per the prosecution are that the petitioner along with the co-accused hatched a conspiracy to commit murder of one Kulwinder Singh Maan. Hence, the present FIR was registered.

3. Learned counsel for the petitioner contends that the petitioner is innocent as he was neither present at the spot nor named in the FIR. He argued that the petitioner was wrongly nominated in the present case and nothing is to be recovered from the petitioner. He further submits that if the prosecution story is believed to be true, even then the only allegation against the petitioner is that he gave shelter to the co-accused. He further contends

that the petitioner is in custody since 01.12.2024 and is no longer required for



further investigation. Challan was presented in February, 2025 and till date charges have not been framed and thus, trial will take long time to conclude. Hence, he prays that present petition 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 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 is evident that the petitioner is in custody for the last more than 11 months; investigation is complete; challan stands presented; charges are yet to be framed and the fact that trial is proceeding at a snail's pace; no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of trial being concluded in 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 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.

17.11.2025
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(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No