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

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Date of Decision: 28.10.2025

Gursimran Singh @ Simma

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. S.S. Brar, 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.167 dated 14.11.2023 registered under Sections 307, 323, 506, 148, 149 and 427 of IPC (Section 325 of IPC added later on), at Police Station Doraha, District Khanna.

2. Brief facts of the present case are that as per the prosecution, the petitioner along with other co-accused caused injuries to Kiranpreet Singh (son of the complainant) with an intention to kill him.

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 even as per the case of the prosecution, the petitioner has inflicted injuries with sword but as per the initial medical

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report, alleged injuries have been reported to be grievous, which were later converted to dangerous to life after taking subsequent medical opinion, which casts serious doubt upon the prosecution story. He further argued that there is previous enmity between the petitioner and the complainant party. No recovery is to be effected from him. The petitioner is in custody since 21.02.2024. Further, co-accused Jaspreet Singh @ Jassa, Jagroop Singh @ Jasroop Singh @ Roopi and Gupreet Singh @ Goga, who were on similar footing with the petitioner, have already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide orders dated 27.01.2025, 07.02.2025 and 18.02.2025, respectively. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that there are total 22 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 petition deserves to be allowed.

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 grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner has played an active role in the crime and he gave injury on the head of the son of the complainant which has been declared dangerous to life. Learned State counsel has also produced on record the medical certificate of the injured-Kiranpreet Singh which shows that the injured is conscious though not well oriented. He has further submitted that the petitioner is involved in multiple other cases meaning thereby he is a



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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 01 year and 08 months; investigation is complete; challan stands presented; charges framed; none of the prosecution witnesses have been examined and the trial is proceeding at snail's pace and 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



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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.

(RUPINDERJIT CHAHAL)
JUDGE

28.10.2025*D.Bansal*

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