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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-18653 of 2025
Date of Decision: 11.11.2025

Sucha Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. S.S. Sahu, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

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.91 dated 27.03.2022 registered under Section 25 of the Arms Act and Sections 307, 34, 427 and 506 of IPC, at Police Station Sadar Ratia, District Fatehabad.
2. Brief facts of the present case are that as per the prosecution, the petitioner along with other co-accused chased the complainant-injured and fired shots towards him 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 the petitioner was not armed with any weapon. He further argued that if the contents of the FIR are taken to be



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true, even then no specific injury has been attributed to the present petitioner and he is only alleged to have been riding the motor-cycle at the relevant time. He further argued that it was the co-accused Sonu Sandha, who fired the gunshot as there was a previous enmity between him and the complainant. He has further submitted that recovery of motor-cycle used in the alleged occurrence has already been effected from the petitioner and nothing more is to be recovered from him. The petitioner is in custody since 12.01.2023. Further, co-accused Jagjeet Singh @ Jitu, who was on similar footing with the present petitioner, has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 22.01.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that the material witness i.e. complainant has already been examined and there is no chance of petitioner to intimidate the witnesses. He further submits that 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 filed the custody certificate of the petitioner, which is taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She has further submitted that the petitioner has played an active role in the crime. She has further submitted that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.



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5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner has been in custody for more than 09 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 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:-



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"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

11.11.2025
D.Bansal

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