

237-2
CRM-M-19568-2025

-1-

2025.11.18.05.26



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

**CRM-M-19568-2025
Date of decision: 17.11.2025**

SACHIN KUSHWAHA @ CHOTUPetitioner

Versus

STATE OF PUNJABRespondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Sudhir Rana, 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 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 and has been falsely implicated in the present case. He argued that the petitioner had come to Faridkot for some business purpose and some



unknown person requested the petitioner to hold his bag as he wanted to go to washroom and in the meantime, the police party came and arrested the petitioner without conducting any search. He has argued that the petitioner has been wrongly nominated in the present case and nothing is to be recovered from him. He further submits that the recovery is planted upon him and nothing more is to be recovered from him. He further submits that challan has been filed and out of 42 PW's none has been examined till date. He further submits that the petitioner has clean antecedents as he is not involved in any other case and prays that the 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.

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; 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. 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
puneet

(RUPINDERJIT CHAHAL)
JUDGE

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