



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

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**CRM-M-26659-2025
Decided on : 30.10.2025**

Suraj

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr.Monty Goyal, Advocate for the petitioner.

Mr.Amit Shukla, DAG, Punjab.

Mr.G.S. Minhas, Advocate, for the complainant.

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.5 dated 09.01.2025 registered under Sections 109, 115(2), 126(2) and 3(5) of the BNS, 2023 [Section 117(2) of the BNS was added later on], at Police Station Navi Baradari, Police Commissionerate, Jalandhar.

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

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is submitted that the petitioner has no enmity or connection with the complainant or her husband. He was named by the petitioner one day after the registration of the FIR. He further submits that it is a case of version and cross-version and it was the husband of the complainant, who was the aggressor and GD NO.39 dated 14.01.2025 has

been filed in this regard. The only allegation against the petitioner is that he had took out the husband of the complainant from the car and gave him fist blow. It is submitted further the injuries attributed to the petitioner are simple in nature. Petitioner is not involved in any other case. Nothing is required to be recovered. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submits that out of total 19 prosecution witnesses 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. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed custody certificate. Status report in the matter is already on file and while referring to the same, learned State counsel 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 gave injuries on the person of the husband of the complainant. However, he could not controvert the fact that petitioner has clean antecedents.

6. 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 09 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.

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 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*”.

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.

30.10.2025
Vivek

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No