



CRM-M-33730 of 2025

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

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CRM-M-33730 of 2025
Date of Decision: 17.09.2025

Harpinder Singh @ Bhinda

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.135 dated 13.05.2025 registered under Section 25 of the Arms Act, at Police Station City Kapurthala, District Kapurthala.
2. Brief facts of the present case are that as per the prosecution, on 13.05.2025, ASI Jasvir Singh, along with his fellow police officials was on patrolling duty and on the basis of a secret information, apprehended the petitioner, who was found in illegal possession of one country made pistol of 315 bore along with one live cartridge.
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 alleged incident. He argued that the recovery has already been effected

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from the petitioner and nothing more is to be recovered from him. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 13.05.2025. The investigation in the case is complete, challan stands presented and charges are yet to be framed and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the 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 the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he was apprehended at the spot with the illegal possession of weapons. However, he has not controverted the fact that the petitioner is first time offender as he is not involved in any other case.

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 04 months, investigation is complete; challan stands presented; charges are yet to be 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.

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,***

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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.

(RUPINDERJIT CHAHAL)
JUDGE

17.09.2025
D.Bansal

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