



CRM-M-48633-2025

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

**CRM-M-48633-2025
Decided on : 02.12.2025**

Mehakdeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Mr. Amrit Pal Singh Gill, DAG, Punjab
for the respondent-State.

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.0010 dated 25.02.2025, registered under Sections 109, 126 (2), 3 (5) of BNS, 2023 and Sections 25, 27 and 54 of the Arms Act, at Police Station Sekhwan, District Batala.

2. Brief facts as per the prosecution case are that the petitioner alongwith one other person caused gunshot injuries to the son of complainant namely Gurmeet Singh with an intention to kill him. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner is innocent and falsely implicated in the present FIR. He contends that the present case is of version and cross-version rather it was the complainant party who was the aggressor. He submits that intially, the police was not registering the cross case which was later registered only after intervention of the Learned trial Court.

He relies upon Annexure P-3 and submits that the petitioner was given 15 injuries and sufferd fracture of frontal bone with two liner fracture lines and



even had tonic clonic seizures. Further, out of 15 injuries, two were declared dangerous to life. Learned counsel further contends that, on the intervening night of 24/25.02.2025, the petitioner was picked up by the police when he was in front of Pawar Rice Mill, Sekhwan, but he was not taken to hospital and his arrest was subsequently shown on 25.02.2025. He further submits that an application was moved before JMIC, Batala for preserving the CCTV footage installed in the premises of police station Sekhwan and further to deliver the hard disc of DVR taken from Pawar Rice Mill, Sekhwan which was allowed. He argued that the said incident occurred on 24.02.2025 whereas the FIR in question was registered on 25.02.2025 i.e. after an unexplained delay of 01 day, casting a serious doubt on the prosecution story. The petitioner is in custody since 25.02.2025 and he has clean antecedents. Nothing is to be recovered from the petitioner. After completion of investigation, challan has been presented against him; charges have been framed and out of 29 prosecution witnesses, only 02 have been partially examined till date. He further submits that 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 custody certificate and the same is taken on record. Status report has already been filed. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He submits that specific role has been attributed to the present petitioner and he has caused gunshot injuries on the person of Gurmeet Singh which were declared dangerous to life. However, he has not controverted the fact that the petitioner is first time offender as he is not involved in any other case.



perusing the record of the case, it is evident that the present is a case of version and cross version in which the petitioner has himself suffered multiple injuries. The petitioner is in custody since 25.02.2025; challan has been presented, charges have been framed and out of 29 prosecution witnesses, only two have been partially examined, the complicity of the petitioner shall be determined after conclusion of trial which will take a long time to conclude and no useful purpose would be served by keeping the petitioner in custody any further. His 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 his 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.

02.12.2025
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(RUPINDERJIT CHAHAL)
JUDGE

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



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