



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

247

**CRM-M-48890-2025
Decided on : 01.12.2025**

Kamaljit Singh and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Jasmeet Singh Ghumman, Advocate
for the petitioners.

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 petitioners in case FIR No.164 dated 18.12.2024, registered under Sections 103, 115(3), 118(1), 351(2), 191(3), 190 of BNS, 2023, at Police Station Adampur, District Jalandhar Rural.

2. Brief facts as per the prosecution case are that on 17.12.2024, the petitioners along with co-accused, armed with kirpans, baseball bats and dandas, reached near a shop where the son of the complainant namely Sunil Kumar was present. The aforesaid persons attacked upon said Sunil Kumar and his friends and caused injuries to them. Due to the said injuries, Sunil Kumar died on the spot. Hence the present FIR.

3. Learned counsel for the petitioners contends that the petitioners



have been falsely implicated in the present case and they have no concern with the said offence. No specific injury has been attributed to the petitioners. Learned counsel further contends that no evidence has been collected during investigation to connect the petitioners with the crime. Learned counsel contends that complainant-Sarwan Kumar (PW4) and five other material witnesses have not supported the prosecution case and are declared hostile. The investigation in the case is complete, challan stands presented, charges have also been framed and out of 20 prosecution witnesses, only 08 witnesses have been examined. The petitioners are in custody since 18.12.2024. The trial will take a long time to conclude and no useful purpose would be served by keeping the petitioners 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 certificates of the petitioners as well as the status report, which are taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioners is serious in nature. He contends that the injuries inflicted on the person of deceased-Sunil Kumar and one injured person with sword and baseball bats were attributed to the petitioners. However, he has not controverted the fact that the petitioners are the first time offenders as they are not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioners are in custody for the last more than 11 months; investigation is complete; challan stands presented, charges have also been framed, the complainant as well as other material witnesses have not supported the prosecution case and are declared



hostile, out of 20 prosecution witnesses, only 08 witnesses have been examined and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioners in further custody. His continued 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. In view of the above, the present petition is allowed and the petitioners are ordered to be released on bail on their 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.

01.12.2025

mamta

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No