



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239

CRM-M-55445-2025
Decided on : 11.11.2025

Sikander Singh alias Jiwan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : **HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present : Mr. Sanjeet Sood and Mr. Akash Khurana, Advocates for
Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.141 dated 09.11.2024, registered under Sections 109, 117(2), 118(2), 125(2), 351(2) of BNS, 2023, at Police Station Bareta, District Mansa.
2. Brief facts as per the prosecution case are that the petitioner armed with sword attacked the husband of complainant Karamjit Kaur and caused him injuries with an intention to kill him.
3. Learned counsel for the petitioner contends that the petitioner is innocent and falsely implicated in the present FIR. He further contends that he has not committed any offence. Learned counsel submits that the complainant and injured while appearing before the trial Court as PW1 and PW2 had not



supported the case of the prosecution and were declared hostile. It is further submitted that the matter has been compromised between the parties and the compromise deed affirming the factum of compromise has been annexed as Annexure P-2. The petitioner is in custody since 05.12.2024 and he has clean antecedents. Nothing is to be recovered from him. After completion of investigation, challan has been presented against the petitioner; charges have been framed. Out of 16 prosecution witnesses, only two witnesses have been examined. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner 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, filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. He submits that he is not aware of any compromise effected between the parties. However, he has not controverted the fact that the petitioner is the 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 since 05.12.2024; challan has been presented, charges have been framed and out of 16 prosecution witnesses, only two witnesses have been examined and the trial is proceedings at snail's pace. Thus, further custody of the petitioner will not serve any useful purpose especially when a compromise has been effected between the parties and the complainant and the injured witness had not supported the



prosecution case and were declared hostile. 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 his right to life and liberty, as enshrined under Article 21 of Constitution of India is against the principle “bail is a rule” and “jail is an exception”.

8. Without commenting on the merits of the case and keeping in view the aforesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

9. All other pending applications, if any, are also disposed of accordingly.

11.11.2025
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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