



CRM-M-61338 of 2025

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

280

CRM-M-61338 of 2025  
Date of Decision: 11.11.2025

Amit Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Ruhani Chadha, Advocate  
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

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**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.165 dated 24.08.2025 registered under Section 25 of the Arms Act, at Police Station Chheharta, District Amritsar.

2. Brief facts of the present case are that as per the prosecution, on 24.08.2025, SI Chander Mohan, along with his fellow police officials was on patrolling duty and on suspicion, apprehended the petitioner, who was found in illegal possession of 05 glock pistols along with 04 magazines.

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 alleged recovery has already been effected from the petitioner and nothing more is to be recovered from him.



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Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 24.08.2025. The investigation in the case is under-way 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 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 firearms. 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 02 months, nothing more is to be recovered from him; petitioner is not involved in any other case, 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***, 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

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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**

**11.11.2025**  
*D.Bansal*

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