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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.63621 of 2024

Harjasneet Singh Chahal ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	06.11.2025
2.	The date when the judgment is pronounced	27.11.2025
3.	The date when the judgment is uploaded on the website	28.11.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bipan Ghai, Sr. Advocate,
with Mr. Nikhil Ghai, Advocate and
Mr. G.S. Sandhu, Advocate,
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The petitioner is seeking indulgence of this Court by filing this petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”), for grant of regular bail in case arising out of FIR No.06 dated 23.08.2022 registered under Sections 153, 153-A

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and 120-B of IPC and 25 of Arms Act, 1959 (Sections 212 and 216 of IPC and Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 added later on) at Police Station State Special Operations Cell, SAS Nagar, District Intelligence Wing (CID). The previous petition as filed by him bearing CRM-M No.36646 of 2023 had been dismissed as withdrawn vide order dated 09.02.2024.

2. Brief facts relevant for the purpose of disposal of this petition are that on 23.08.2022, a secret information was received to the effect that one Lakhbir Singh @ Landa who was now residing in Canada, had been engaged in the business of supply of illicit arms and ammunitions and funding by illegal means in connivance with Satnam Singh @ Satta, Gurlal Singh @ Lally, Rajan Bhatti and some unknown persons. It was also informed that he was a follower of Khalistani Separatist Ideology and intended to create disturbance in the name of religion at the instance of ISI by targeting the political leaders and leaders of religious organization to disturb the peace of State of Punjab. FIR was registered. Investigation proceedings were initiated.

3. As per the further allegations, during the course of investigation, a secret input was received on 23.11.2022 to the effect that the accused Rajan Bhatti had been hiding in the area of Village Jassi Pauwali, Bathinda with the assistance of the present petitioner and the co-accused Kamaljeet Singh @ Prince, both of whom were harbouring Rajan Bhatti and Lakhbir Singh @ Landa in their illegal operations. Acting upon this

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information, the petitioner and Kamaljeet Singh @ Prince were nominated as accused. They were arrested on 23.11.2022 from a house situated in Sushant City, Bhatinda whereas the accused Rajan Bhatti managed to escape. One countrymade pistol .30 bore along with two live cartridges and a magazine was recovered from the conscious possession of the petitioner. Recovery of weapon was also effected from co-accused Kamaljeet Singh @ Prince. The petitioner suffered disclosure statement admitting that he had been assisting accused Rajan Bhatti in his unlawful activities which included smuggling of heroin and co-accused Kamaljeet Singh @ Prince assisted them in return of which they used to get handsome amount of money. The accused Rajan Bhatti was arrested on 08.02.2024. Recovery of 270 grams of heroin and drug money of Rs.7,97,000/- one .32 bore pistol along with four live cartridges was effected from him in pursuance of his disclosure statement. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a period of about three years. A false recovery has been planted upon him. He is a victim of political rivalry. The co-accused have been extended benefit of bail. On parity, he too deserves to be released on bail. The trial is likely to take considerable time as even charges have not been framed so far. No useful purpose is going to be served by his continued detention. His previous petition was dismissed on 09.02.2024. A period of more than one year and eleven months has elapsed since then. His prolonged incarceration is a

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justified ground for his release on bail. It is, therefore, urged that the petition deserves to be allowed.

5. Per contra, it is argued by learned Deputy Advocate General, Punjab that there are serious allegations against the petitioner. He is involved in some other cases and is a habitual offender. There are chances of his absconding, if extended benefit of bail. It is, therefore, urged that he does not deserve to be released on bail.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to be a member of gang being operated by Lakhbir Singh @ Landa who commits illegal activities in the State of Punjab. He is in custody for a period of more than 3 years. Even charges have not been framed in this case. There is nothing on record to show that the delay in trial is attributable to the petitioner. It is well settled proposition of law that an accused cannot be kept in custody for an indefinite period of time and bail application can be considered on its own merits even if it is filed repeatedly. Every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of the bail since the settled principle of law is that detention prior to trial should not become punitive.

8. The co-accused have been extended benefit of bail. The role

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attributed to the petitioner is that he had been providing shelter to the co-accused Rajan Bhatti and helped him in running illegal activities. Any conclusion qua these allegations has to be drawn on thorough assessment of the evidence to be produced during trial. The petitioner is facing trial in some other cases. The object of the jail is to secure the appearance of the accused during trial and it cannot be punitive or preventive. In view of the discussion as made above, this Court is of the considered opinion that a case for release of the petitioner on bail is made out.

9. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal bonds as well as surety bonds by two sureties in the like amount each to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and on the following conditions:-

- (I) The petitioner shall appear before the concerned Police Station once on the first Monday of every month.
- (ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) He shall not leave the country under any circumstance without permission of the learned trial Court.
- (iv) He shall appear before the learned trial Court as and when directed unless his presence is otherwise exempted.

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(v) he shall provide his permanent address as well as present address before the learned trial Court at the time of furnishing of bonds and shall not change the same without informing the trial Court.

(vi) He shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court at the time of furnishing of bonds and in case, any change in his mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance and shall keep his mobile phone switch on all times.

(vii) He shall deposit his passport, if any, with the learned trial Court.

10. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

27.11.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No