



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

229

CRM-M-66176-2025 (O&M)

Date of decision: 01.12.2025

Arshpreet Singh Alias Arshdeep Singh and Another

....Petitioners

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Birinder Pal, Advocate for the petitioners

Mr. Jasjit Singh, DAG Punjab

Mr. Amardeep Singh Mann, Advocate for respondent No.2

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.97 dated 07.07.2025, registered under Sections 109 and 3(5) of BNS (corresponding to Sections 307 and 34 IPC) and Section 25 of Arms Act at Police Station CIty Patti, District Tarn Taran.

2. Learned counsel contends that the petitioners have been in custody for about 5 months. They allege false implication. As per the allegations, petitioner No.1 is stated to have fired at the complainant while No.2 had raised lalkara. There is nothing to show the incident to be pre-mediated. Moreover, now the matter stands compromised between the parties on 23.09.2025, Annexure P-5. Challan was presented on 04.10.2025, however, charges have not been framed and in all there are 10 prosecution witnesses. Petitioner No.1 is involved in 1 more case under Prisons Act, wherein he is on bail, while No.2 is



not involved in any other case. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificates dated 30.11.2025, filed by the learned State counsel are taken on record. As per the same, the petitioners are behind bars for 4 months and 20 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against petitioner No.1 of having fired at the neck of the complainant while No.2 having raised lalkara. However, he is unable to controvert the submissions with regard to stage, compromise having been arrived at and petitioner No.1 being on bail in another case while No.2 being not involved in any other case.

5. Learned counsel for respondent No.2 affirms the factum of compromise and has no objection for grant of bail to the petitioners.

6. Heard.

7. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

8. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for the last 4 months and 20 days; petitioner No.1 on bail in another case while No.2 is not involved in any other case; compromise stands effected; challan stands presented on 04.10.2025, however,



charges are yet to be framed and there are a total of 10 prosecution witnesses, the trial is likely to take a considerable time, further incarceration of the petitioners would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

9. The petitioners are ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- (v) The petitioners shall not directly or indirectly coerce, induce, threaten 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 or tamper with the evidence in any manner.
- (vi) The petitioners shall not in any manner misuse his liberty.
- (vii) The petitioners shall furnish their address and mobile number by way of affidavit/s to the trial Court and not change the same till conclusion of trial and if for any reasons, they seek to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

10. It is made abundantly clear that in case there is any breach of the

aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

11. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

01.12.2025
M.Kamra

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