



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.228

CRM-M-2865-2026
Decided on : 23.04.2026

Varun Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Amit Gupta, Advocate
for the petitioner.

Mr. Amritpal Singh Gill, DAG, Punjab
for the respondent(s)-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 petitioner in case FIR No.159 dated 06.10.2025, registered under Sections 109, 3(5) of BNS, 2023 and Sections 25 and 27 of the Arms Act, at Police Station Sultanwind, District Police Commissionerate, Amritsar.
2. Brief facts as per the prosecution case, are that the petitioner alongwith co-accused fired gunshots towards the complainant with an intention to kill him. Hence, the present FIR.
3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that the petitioner was neither present at the spot, nor was named in



the FIR and he has no concern with the said incident. He further contends that the complainant did not receive any injury in the said incident. Learned counsel contends that no overt act has been attributed to the petitioner and it is a case of no injury. He further contends that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. Learned counsel submits that co-accused Anosh, who actually fired shot, has already been granted the concession of anticipatory bail by a Coordinate Bench of this Court vide order dated 05.02.2026, passed in CRM-M-66351-2025. No recovery is to be effected from the petitioner. The petitioner is in custody since 24.10.2025 and he has clean antecedents. The investigation in the case is complete, challan stands presented and charges are yet to be framed. Learned counsel further submits that the 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. On the other hand, learned State counsel 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. However, he has not controverted the fact that the petitioner is the first time offender as he is 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 petitioner is in custody



for the last more than 05 months and 22 days; co-accused has already been granted the concession of anticipatory bail; the investigation is complete; challan stands presented, charges are yet to be framed and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him 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 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.

8. All miscellaneous application(s), if any, stands disposed of accordingly.

23.04.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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