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CRM-M-3497-2026

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2026-PHHC-025816



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3497-2026

Date of decision: 18.02.2026

KULWINDER SINGH @ FOUJI

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Balbir Singh Jaswal, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG Punjab.

.....

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.112 dated 29.10.2024 registered under Sections 109, 118(2), 115(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 at Police Station Kathu Nangal, District Amritsar.

2. Brief facts of the present case, as per the prosecution, are that on 17.10.2024, petitioner and other co-accused persons armed with deadly weapons caused injuries to the complainant-Narinder Singh with an intention to kill him. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He submits that the main injury is attributed to co-accused Lovepreet Singh and the petitioner has



was granted concession of anticipatory bail by Co-ordinate Bench of this Court vide order dated 17.12.2024 in *CRM-M-63206-2024* however, the same was dismissed vide order dated 18.03.2025 on the ground that the petitioner is involved in two other criminal cases. He argued that the FIR in question was registered after an unexplained delay of about 13 days, casting serious doubt on the prosecution story. No recovery is to be effected from him. The petitioner is in custody since 18.08.2025. The investigation in the case is complete; challan stands presented, however, charges have not been framed yet. He further submits that 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. Learned State counsel has filed the status report and 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 as the petitioner has actively participated in the crime. He has further submitted that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender.

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 06 months; The investigation in the case is complete; challan stands presented, however, charges are yet to be framed and the fact that trial may take a long time to conclude, no useful purpose would be



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. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"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. 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.

18.02.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |