



CRM-M-4854 of 2026

-1-

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

233

CRM-M-4854 of 2026
Date of Decision: 20.04.2026

Malkeet Singh @ Chitta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. I.S. Cooner, Advocate
for the petitioner.

Ms. Amrit Kaur Mahir, AAG, 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.201 dated 16.12.2023 registered under Sections 307, 353 and 186 of the IPC and Sections 25(6) and 25(7) of the Arms Act, at Police Station Pasyana, District Patiala.

2. Brief facts of the present case are that the petitioner fired gunshots towards the police party with an intention to kill them and prevented them from discharging their official duties. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He argued that the petitioner never fired any gunshot at any police officials and never caused any injury to anyone and

**CRM-M-4854 of 2026****-2-**

therefore, false and frivolous allegations have been levelled against him. He further argued that as per prosecution version, the petitioner allegedly fired repeatedly at the police party, however, there is not even single police official who has sustained even a scratch and even there is no damage to any of the Government vehicle, thus, casting serious doubt on the prosecution story. He argued that even if the contents of the FIR are taken to be true, even then no specific injury has been attributed to the present petitioner. He further argued that Section 307 of BNS was added by the prosecution only to make the offence graver. No recovery is to be effected from him. The petitioner is in custody since 16.12.2023. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 16 prosecution witnesses and out of them, only 04 have been examined till date 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. On the other hand, learned State counsel has filed the custody certificate, which is taken on record and while referring to the status report already filed in the matter, she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She 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 more than 02 year and 03 months; investigation in the FIR is complete; challan stands presented; charges framed; out of 16 witnesses, only



CRM-M-4854 of 2026

-3-

04 have been examined till date; the complicity of the petitioner is a matter of trial; which is proceeding at snail's pace, and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of 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 the 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 his 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



CRM-M-4854 of 2026

-4-

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.

(RUPINDERJIT CHAHAL)
JUDGE

20.04.2026*D.Bansal*

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