

2026.PHHC.030834

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

135-6

CRM-M-5095-2026 (O&M)

Date of decision: 25.02.2026

Rupesh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Karandeep Singh, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Keshav P. Singh, Advocate for the complainant.

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 in DDR No.02 dated 21.07.2024, under Sections 307, 447, 511, 427, 148, 149 IPC, Sections 25, 27 of the Arms Act and 302, 120-B IPC, 8 & 13 of PC Act and 458, 342, 201 IPC were added subsequently in FIR No.128 dated 20.08.2020, registered at Police Station Bahavwala, District Fazilka.

2. Learned counsel contends that the petitioner has been in custody for 1 year, 4 months, 14 days. The FIR was registered on 20.08.2020 wherein co-accused Sanjay Kumar was a complainant and after 4 years of the occurrence, cross version was registered against the petitioner's side on 21.07.2024 wherein he is stated to be a conspirator and not the person who had fired the shot. Charges have been framed on 27.03.2025 and out of 47 PWs, none has been examined. He is involved in five more cases, out of which, he is on bail in four. 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 certificate, filed by the learned State counsel are taken

on record. As per the same, the petitioner is behind bars for 1 year, 6 months, 14 days.

4. Learned State counsel and learned counsel for the complainant oppose the bail on the ground that the petitioner is aggressor and had come to grab the land in possession of the complainant party i.e. Amit and Rajender. However, learned State counsel is unable to controvert the submissions with regard to stage of the trial and petitioner being on bail in four cases.

5. 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." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail."

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for 1 year, 6 months, 14 days; on bail in four cases; charges were framed on 27.03.2025 and none, out of 47 PWs, has been examined, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/heavy 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 petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.

- (v) The petitioner 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 petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner 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 petitioner.

8. 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 petitioner by this order.

9. 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

25.02.2026

ashok

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No