



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.219

CRM-M-7590-2026 (O&M)
Decided on : 21.05.2026

Kashmir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. P.B.S.Goraya, 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.260, dated 21.10.2025, registered under Sections 103, 109, 125, 118(1), 191(3), 190, 61(2) of BNS, 2023 and Sections 25 and 27 of the Arms Act, at Police Station Lopoke, District Amritsar Rural.
2. Brief facts, as per the prosecution case, are that the petitioner alongwith co-accused armed with *gandasa, kirpan, dattar, stick(dang), pistol* etc. attacked upon the complainant party and caused injuries to them wherein Hari Singh succumbed to the injuries. 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 allegations levelled against the petitioner are false and he



has no concern with the said offence. Learned counsel contends that the present FIR is counter-blast to the FIR registered against the complainant by the petitioner side. He contends that if the contents of the FIR are taken to be true, even then only the role attributed to the petitioner is that he was armed with a dang and no injury has been attributed to him. Learned counsel contends that there is no direct evidence to connect the petitioner with the said offence. No recovery is to be effected from the petitioner. The petitioner is in custody since 21.10.2025 and he has clean antecedents as he is not involved in any other case. The investigation in this case is complete; challan stands presented but the charges are yet to be framed. He further submits that 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. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate, which is taken on record. The status report has already been filed. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, she has not controverted the fact that the petitioner is the first time offender as he is not involved in any other case.

6. 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 06 months and 28 days; he has clean antecedents as he is not involved in any other case; no injury has been attributed to him; the investigation in this case 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 the petitioner 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.

7. Reliance in this regard is placed upon a judgment of Hon’ble Supreme Court 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 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*”.

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.

21.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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