



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

(238)

**CRM-M-8909-2026
DATE OF DECISION:29.04.2026**

Kulwinder Masih @ Roshi

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Rajiv Kumar Saini, Advocate, for the petitioner.
Mr. Subhash Godara, Addl. AG, Punjab.

SUBHAS MEHLA, J (ORAL)

1. By way of present petition filed under Section 483 of BNSS for grant of **regular bail** to the petitioner in case bearing FIR No.0166 dated 27.11.2025, under Sections 109, 132, 221, 281, 125 of BNS, 2023 and Section 25 of Arms Act, 1959 (Sections 54 and 59 of Arms Act added later on), registered at Police Station Fatehgarh Churian, district Batala.

2. Brief facts of the case, as per allegations in the FIR are that, the petitioner tried to kill the police party and fired gun shot; on arrest .30 bore pistol along with 6 live cartridges and one magazine were recovered from the car allegedly driven by him.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case; that it is a case of no injury; that the prosecution story is concocted one and nothing has been recovered from his possession as projected by the police. Learned counsel apprised the Court that on the last date of hearing this Court had specifically sought a reply regarding uploading of video of recovery on e-Sakshya portal and regarding this, para no.5 of the reply, also creates a doubt in the prosecution



case; that the petitioner is in custody since 29.11.2025 i.e for the last five months; that investigation has already been completed; that trial will take sufficient time to conclude; that there is no apprehension that after arrest, petitioner will tamper with the prosecution evidence as witnesses are police officials. Hence, prayer for grant of regular bail to the petitioner is made.

4. In pursuance of advance notice, Mr. Subhash Godara, Addl. AG, Punjab, appears and files custody certificate of the petitioner along with short reply by way of affidavit of Lalit Kumar, PPS, Deputy Superintendent of Police, Sub Division Fatehgarh Churian, Police District Batala, on behalf of respondent-State of Punjab, same are taken on record. A perusal of reply shows that the petitioner fired with an intention to murder the police official; that after arrest one pistol and six live cartridges were recovered from his possession; and that petitioner is having criminal antecedent as he is involved in four other cases.

5. The contention regarding clear antecedents of the petitioner is refuted by the learned counsel for the petitioner by submitting that in all the four cases, offences are not of heinous nature rather petty which are triable by Magistrate and the petitioner is on bail in all those cases.

6. Heard.

7. Keeping in view the facts and circumstances of the present case and the contentions raised by learned counsel for the parties, this Court is of considered opinion that concession of bail cannot be denied as a measure of punishment, as culpability is to be determined after appreciation of evidence adduced by both parties and it is a settled principle of criminal jurisprudence that bail is the rule and jail is the exception. Accordingly, this Court deems it



a fit case to grant the concession of regular bail to the petitioner on the following aspects:

- (i) That the petitioner has been in custody since 29.11.2025;
- (ii) That it is a no injury case and as per allegation, the petitioner fired on police party and complainant is a police official;
- (iii) That investigation has been completed;
- (iv) That as witnesses are police officials, there is no apprehension that the petitioner will tamper with the prosecution evidence;
- (v) That the trial is likely to take sufficient time to conclude and
- (v) That no fruitful purpose would be served by keeping the petitioner behind bars for any further period.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

29.04.2026
mamta

(SUBHAS MEHLA)
JUDGE

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