



CRM-M-8698 of 2026

-1-

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

238

CRM-M-8698 of 2026
Date of Decision: 10.03.2026

Ram Kishan @ Billu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Rahul Deswal, Advocate
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

Mr. Sanyam Kshetarpal, Advocate
for the complainant.

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.133 dated 19.11.2025 registered under Sections 191(3), 190, 115, 109(1), 353(3) of the Bharatiya Nyaya Sanhita, 2023 (Section 351(3) of BNS added, Section 115 of BNS modified as 115(2) and Section 353(3) deleted later on) and Section 25(1-B)(a) of the Arms Act (Sections 25(1-B)(a) of the Arms Act deleted and Sections 27, 54, 59 of the Arms Act added later on), at Police Station Mohammadpur Ahir, District Nuh.

2. Brief facts as per the case of the prosecution are that the

**CRM-M-8698 of 2026****-2-**

petitioner along with other co-accused attacked and caused injuries to the complainant and his brothers with an intention to kill them, due to some old enmity. 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 further submitted that the alleged occurrence took place on 18.11.2025 but the FIR in question was registered on 19.11.2025 i.e. after a delay of 01 day, casting serious doubt on the prosecution story. He further argued that if the contents of the FIR are taken to be true, even then no specific injury has been attributed to the present petitioner and he has been attributed only lathi blow and thus, the same does not attract Section 109(1) of BNS, which has been added by the prosecution only to make the offence graver. He further argued that the petitioner was only standing there and mere presence at the spot of occurrence cannot amount to participation in the crime. He further argued that firearm injury is exclusively attributed to co-accused Ramdev and recovery of the said weapon has also been effected from his possession. No recovery is to be effected from the petitioner. The petitioner is in custody since 20.11.2025. The investigation in this case is complete, challan stands presented but charges are yet to be framed. He submitted that 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 of the petitioner, which is taken on record and while referring to the status report already filed in the matter, he has vehemently opposed the



CRM-M-8698 of 2026

-3-

prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He argued that the petitioner is specifically named in the FIR and he has actively participated in the crime. However, he has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.

5. Learned counsel for the complainant adopts the submissions made by learned State counsel and while opposing the prayer for grant of bail to the petitioner, has contended that the petitioner has played an active role in the crime and thus, does not deserve the concession of bail.

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 03 months; he has clean antecedents; investigation is complete; challan stands presented; charges are yet to be framed; the complicity of the petitioner is a matter of trial and the same 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 the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. 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 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*".

**CRM-M-8698 of 2026****-4-**

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

10.03.2026
D.Bansal

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