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

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Date of Decision: 19.05.2026

Manthan Mahajan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Rishu Mahajan, 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.281 dated 27.11.2025 registered under Section 308(5), 125, 3(5) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25/27/54 of the Arms Act, at Police Station Division 'B', District Amritsar.

2. Brief facts of the present case are that the petitioner supplied illegal firearms to the co-accused, who fired up on the complainant. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He argued that the petitioner is not named in the FIR and he has no concern with the said offence. He argued that during investigation, the petitioner was roped in the

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present case only on the basis of suspicion without any concrete evidence. He further argued that no incriminating evidence was found against the petitioner to connect him with the crime. He submitted that there was no allegation of extortion against the petitioner. He argued that if the contents of the FIR are taken to be true, even then no specific role/injury has been attributed to the present petitioner. Further, co-accused Dharampal and Ram Kishan have already been granted the concession of bail by the learned trial Court, vide order dated 19.12.2025. Moreover, the petitioner has clean antecedents as he is not involved in any other case and nothing is to be recovered from him. The petitioner is in custody since 10.12.2025. The investigation in this case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 14 prosecution witnesses but none has 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 of the petitioner, 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. However, she has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.

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



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for more than 05 months; he has clean antecedents; investigation is complete; challan stands presented; charges framed; out of 14 prosecution witnesses, none has 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 the 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 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. 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

19.05.2026
D.Bansal

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