



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.221

CRM-M-10075-2026
Decided on : 19.05.2026

Avtar Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Nandan Jindal, Advocate
for the petitioners.

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 petitioners in case FIR No.0238, dated 23.11.2023, registered under Sections 302, 307, 332, 333, 353, 186, 148, 149, 120-B IPC and Sections 25, 27, 54, 59 of the Arms Act (Sections 201 and 115 IPC added lateron), at Police Station Sultanpur Lodhi, District Kapurthala.

2. Brief facts, as per the prosecution case, are that the petitioner Avtar Singh alongwith co-accused armed with datar, swords, spears (Barchhas), javelins and firearms attacked the police party and caused injuries to them wherein PHG Jaspal Singh succumbed to the bullet injuries.

Hence, the present FIR.



3. Learned counsel for the petitioners contends that the petitioners are innocent and have been falsely implicated in the present case. He further contends that the allegations levelled against the petitioners are false and they have no concern with the said offence. Learned counsel contends that neither petitioner No.2 was present at the spot nor was named in the FIR. It has also been contended that petitioner No.2 was nominated as an accused only on the basis of statement made by co-accused Baldev Singh and Manjit Pal Singh. Apart from the disclosure statement, there is no other evidence to connect petitioner No.2 with the offence in question and it is a trite law that disclosure statement of co-accused during his custodial interrogation is not admissible. He contends that if the prosecution version is believed to be true, then also the fatal gun shot has been attributed to co-accused and not to the petitioners. Learned counsel further submits that co-accused Iqbal Singh, Gurinder Singh Baldev Singh, Shaheedpal Singh, Manjit Pal Singh have already been granted the concession of regular bail by a Coordinate Bench of this Court vide orders dated 10.12.2025, 22.01.2026 and 13.01.2026 (Annexures P11 to P-13 respectively). No recovery is to be effected from the petitioners. The petitioners are in custody since 23.11.2023. The investigation in this case is complete; challan stands presented and charges have been framed and out of 51 prosecution witnesses, only 02 have been examined till date. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping the petitioners behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificates which are taken on record. The status report has already been filed. She while



referring to the said status report, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioners is serious in nature. She has further submitted that the petitioner No.1 Avtar Singh is also involved in one more case of similar nature meaning thereby he is a habitual offender. However, she has not controverted the fact that petitioner No.2 is the 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 petitioners are in custody for the last more than 02 years 05 months and 20 days; the co-accused have already been granted the concession of regular bail by a Coordinate Bench of this Court; the investigation in this case is complete; challan stands presented; charges have been framed; out of 51 prosecution witnesses, only 02 have been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioners in further custody. Their continued detention without the prospect of the trial being concluded in the near future would be violative of their rights under Article 21 of the Constitution of India.

6. 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*".



7. As regards the submission of learned State counsel that petitioner No.1 is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"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."

8. In view of the above, the present petition is allowed and the petitioners are ordered to be released on bail on their 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.

19.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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