



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

243

CRM-M-10355-2026 (O&M)
Date of Decision:- 04.05.2026

Vishal Kumar @ Shalu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Braghav Soni, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in case bearing DDR No.14 dated 28.12.2013, registered under Sections 307, 452, 506, 427, 148 and 149 of IPC and Sections 25, 27 of Arms Act in FIR No.189 dated 23.12.2013 registered under Sections 307, 452, 506, 427, 148, 149 of IPC and Sections 25 and 27 of Arms Act, at Police Station Lopoke, District Amritsar.

2. Learned counsel for the petitioner contended that this is a case of version and cross version where allegation against the present petitioner are that petitioner along with other co-accused attacked the complainant and gave blow of his 12 bore rifle and 4 pallets hit on the backside of his right leg on thigh of the complainant party.



3. Further, Learned counsel prayed for concession of bail to the petitioner on the following grounds:

I. That the petitioner has been falsely implicated in the present case as it is a case of version and cross version and there is no *prima facie* case against him.

II. That the petitioner was earlier granted the concession of bail by learned Additional Sessions Judge, Amritsar vide order dated 22.04.2015, and thereafter, challan was presented in this case and petitioner was appearing regularly before learned trial Court.

III. The petitioner was undergoing treatment at Garib Niwaz Charitable Trust Rehabilitation Centre, where he was admitted on 26.12.2023 and discharged on 28.03.2024. On account of said circumstances, he could not appear before the trial Court; consequently, his bail was cancelled and non-bailable warrants were issued against him.

IV. The petitioner was again taken into custody in the impugned FIR on 14.02.2025, and is in custody for the last more than 01 year.

V. Trial of the case will take sufficient time to conclude.

4. Learned State Counsel opposed the present petition on the following grounds:

I. That the petitioner has misused the concession of bail and proclamation was issued to secure his presence.

II. The petitioner is involved in three more cases.

5. Heard.



6. Keeping in view the submissions of learned counsel for the parties, facts and circumstances of the case, this Court finds merits in the present petition on the following grounds:

- I. This is a case of version and cross version.
 - II. That the petitioner had earlier been granted concession of bail on 22.04.2015 on merit, however, when he failed to appear before the trial Court, his bail was cancelled and arrest warrants were issued.
 - III. The petitioner has been behind bars since 14.02.2025 i.e. for the last more than 01 year.
 - IV. Trial is likely to take considerable time to conclude. No fruitful purpose would be served by keeping him in custody for any further period.
7. As concession of bail cannot be denied just as a measure of punishment and it is a trite principle of criminal jurisprudence that bail is a rule, jail is an exception. Hence, this Court deems it a fit case to grant the concession of regular bail to the petitioner.
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, subject to the condition that his presence can be ensured.

04.05.2026
Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No