



CRM-M-11482 of 2026

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

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CRM-M-11482 of 2026
Date of Decision: 18.04.2026

Rajiv Kumar alias Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Tejinder Kataria, Advocate
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

Mr. Saurav Bhatia, 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.207 dated 16.06.2025 registered under Sections 109, 191 190 and 125 of the Bharatiya Nyaya Sanhita, 2023 and Section 25/27 of the Arms Act, at Police Station City Ferozepur, District Ferozepur.
2. Brief facts of the present case are that the petitioner along with other co-accused pelted stones on the complainant and thereafter fired gunshots towards him with an intention to kill him. 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 was not even present on the spot at the time of commission of



offence. He further argued that the petitioner was roped in the FIR only on the basis of suspicion without any concrete evidence. He argued that even if the contents of the FIR are taken to be true, even then no specific role/injury has been attributed to the present petitioner and the only allegation against him is that and he is only stated to have raised a lalkara. He further argued that Section 109 of BNS was added by the prosecution only to make the offence graver. Further, co-accused Monu Kantore @ Manmohan has already been granted the concession of regular bail by the learned trial Court, vide order dated 06.10.2025. Moreover, the petitioner has clean antecedents as he is not involved in any other case and no recovery is to be effected from him. The petitioner is in custody since 27.10.2025. The investigation in the case is complete and challan also stands presented but charges are yet to be framed. He further 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, which is taken on record and while referring to the status report already filed in the matter, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. 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, while opposing the prayer for grant of regular 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.



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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 05 months; he has clean antecedents, co-accused has already been granted bail by the trial Court; investigation in the FIR is complete; challan stands presented; charges are yet to be framed; the complicity of the petitioner is a matter of trial, 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 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 the 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*".

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

18.04.2026
D.Bansal

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