



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.273

CRM-M-11931-2026

Decided on : 24.03.2026

Mustak Ali

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Ranbir Pathania, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG, Punjab
for the respondent(s)-State.

Sh. Randhir Singh Manhas, Advocate for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of BNSS is for grant of regular bail to the petitioner in case FIR No.0115 dated 15.10.2025, registered under Sections 118(1), 115(2), 126(2), 324(3), 191(3), 190 of BNS, 2023 (Section 109 of BNS, 2023 added lateron), at Police Station Sadar Pathankot, District Pathankot.
2. Brief facts, as per the prosecution case, are that the petitioner alongwith other co-accused inflicted injuries to the complainant and his cousin by using a *kirch* and by giving kick blows and also damaged the motorcycle of complainant's cousin.
3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present FIR. Learned counsel further contends that the petitioner has no concern with the said incident and the police has illegally roped him in the present case. It is submitted that the matter has been compromised between the parties and the copy of the compromise deed affirming the factum of compromise has been



annexed as Annexure P-4. Learned counsel further contends that that co-accused Shokat Ali, Surma, Sharif and Billa have already been granted the concession of anticipatory bail by the learned trial Court vide orders dated 21.11.2025 and 29.11.2025. The petitioner is in custody since 08.01.2026. Nothing is to be recovered from him. After completion of investigation, challan has been presented against the petitioner and the charges are yet to be framed. Learned counsel for the petitioner contends that the trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the present petition deserves to be allowed.

4. On the other hand, learned State counsel has appeared and filed status report as well as custody certificate. The same are taken on record. He has vehemently opposed the prayer for grant of regular bail to the petitioner by submitting that the offence committed by the petitioner is serious in nature as the petitioner alongwith co-accused caused serious injuries on the person of complainant and his cousin and also damaged his motorcycle. Learned State counsel submits that he is not aware of any compromise effected between the parties.

5. Sh. Randhir Singh Manhas, Advocate has appeared and filed power of attorney on behalf of the complainant. The same is taken on record. He does not dispute the factum of compromise and has not opposed the prayer for grant of regular bail to the petitioner.

6. I have heard the learned counsel for the parties and perused the record carefully.

7. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner has been in



custody for more than 02 months; challan has been presented; the charges are yet to be framed and the co-accused Shokat Ali, Surma, Sharif and Billa have already been granted the concession of anticipatory bail by the learned trial Court. Thus, further custody of the petitioner will not serve any useful purpose especially when a compromise has been effected between the parties. Keeping the petitioner in further 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.

8. 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”.

9. Without commenting on the merits of the case and keeping in view the aforesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

10. All other pending applications, if any, are also disposed of accordingly.

24.03.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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