



CRM-M-12698 of 2026 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

257

CRM-M-12698 of 2026
Date of Decision: 13.03.2026

Tarsem Singh @ Semi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Kulwinder Singh, Advocate
for the petitioner.

Mr. Rahul Jindal, 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.492 dated 16.12.2020 registered under Sections 308, 323, 148 and 149 of IPC, at Police Station Sadar Mansa, District Mansa.

2. Brief facts of the present case are that the petitioner along with co-accused attacked the complainant and caused injuries to him, due to some altercation between them. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the present FIR was registered on 16.12.2020 and he was granted the concession of regular bail by the learned trial Court, vide order dated 04.02.2021.

Thereafter, the petitioner continued to appear regularly before the trial Court



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on each and every date, however, from 30.11.2023, he could not appear before the trial Court because he went to Rajasthan for labour work. Consequently, on 28.01.2025, his bail was cancelled and he was ordered to be summoned through non-bailable warrants. He further argued that the petitioner himself surrendered before the trial Court on 09.01.2026 and since then he is in judicial custody. He argued that non-appearance of the petitioner was not intentional. The petitioner had been in custody for more than 02 months after surrender. 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. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He argued that the petitioner was specifically named in the FIR and as such, he has actively participated in the crime. He further submitted that the petitioner was earlier granted bail by the learned trial Court, however, he was intentionally not appearing before the trial Court and the trial has been delayed solely because of his absence. Hence, he prays that the present petition be dismissed.

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 more than 02 months after surrender; the complicity of the petitioner



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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 the 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 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

13.03.2026

D.Bansal

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