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CRM-M-13909-2026

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

CRM-M-13909-2026

Date of decision: 16.04.2026

SOHAN SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Yajur Sharma, 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.108 dated 09.06.2025 registered under Sections 308(5), 351(2), 61(2), 140(2), 318(4), 111(2), 111(3), 111(4) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Maqboolpura, District Police Commissionerate, Amritsar.

2. Brief facts of the present case, as per the prosecution, are that the petitioner being part of a gang forcibly removed clothes of the complainant namely Jaspal Singh and recorded his video and then forcibly took Rs.18,000/- on the spot and Rs.45,000/- thereafter and got signed an agreement to further pay Rs.3,55,000/- by blackmailing him. Hence, the present FIR.



3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that the petitioner was not named in the FIR and was only nominated on the basis of disclosure statement of co-accused and it is a trite law that disclosure statement of co-accused during his/her custodial interrogation is not admissible. It has also been contended that no specific role has been attributed to the petitioner. No recovery is to be effected from him. He submits that similarly placed co-accused persons have already been granted concession of regular bail by Co-ordinate Bench of this Court vide common order dated 23.02.2026. The petitioner is in custody since 09.06.2025. The investigation in the case is complete; challan stands presented; however, charges are yet to be framed. He further submits that 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. Learned State counsel has filed the custody certificate and status report, which are 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 further submits that the petitioner is involved in two other cases, meaning thereby he is a habitual offender.

5. 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 10 months; investigation is complete; challan stands presented; however, charges are yet to be framed; similarly



bail by Co-ordinate Bench of this Court and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. 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.

6. 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 her 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 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 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.

16.04.2026		(RUPINDERJIT CHAHAL)
puneet		JUDGE
i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No