



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

CRM-M-14552-2026

Date of decision: 01.05.2026

HARMANPREET SINGH @ GUJJAR**....Petitioner****Versus****STATE OF PUNJAB****....Respondent****CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present:- Mr. G.S. Bawa, Advocate for the petitioner.

Ms. Amrit Kaur, Mahir, AAG Punjab.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.0336 dated 23.10.2025 registered under Sections 331(7), 109, 238 BNS, 2023 & Sections 25, 27, 54, 59 of the Arms Act at Police Station Gharinda, District Amritsar (Rural).

2. Brief facts of the present case, as per the prosecution, are that on 23.10.2025 the petitioner inflicted injuries on the head of one Manjeet Singh and committed theft of Rs.2,00,000/- and .32 bore revolver from the house of the complainant. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He contends that the allegations against the petitioner are based upon subsequent statement of the injured, which was recorded after the registration of the FIR. He submits that the petitioner and the complainant are close friends and now the matter has been compromised between the petitioner and the complainant and to support his contention he has placed reliance on affidavit dated 21.01.2026



(Annexure P-2). The petitioner is in custody since 06.11.2025. He submits that challan has been presented, however, charges have not yet been framed, as such the trial may take quite a long time to conclude and no useful purpose would be served by keeping him behind bars. Further, there are no chances of his absconding, therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the status report and custody certificate of the petitioner. She has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the offence committed by the petitioner is serious in nature. She further submits that she is not aware of the compromise between the parties, if any. She further submits that two other cases are registered against the petitioner, meaning thereby he is a habitual offender.

5. Ms. Tanu Priya, Advocate has put in appearance on behalf of the complainant and has filed her vakalatnama. She has affirmed to the factum of compromise entered between the parties and has no objection if the present petition is allowed.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, particularly the fact that the petitioner is in custody for the last more than 05 months; parties have already compromised the matter; challan has been presented; charges are yet to be framed and as such trial may take a long time to conclude and no useful purpose would be served by detaining the petitioner in further custody.

7. Reliance is also 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. 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."

9. 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.

10. The present petition is disposed off accordingly.

(RUPINDERJIT CHAHAL)
JUDGE

01.05.2026

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No