

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:055546



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CRM-M-17980-2026 (O&M)
Date of decision:09.04.2026

Jaspreet Singh @ Nupi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. M.S. Rana, Advocate for the petitioner.

Mr. Vivek Sharma, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been moved by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for grant of regular bail in case arising out of FIR No.52 dated 24.06.2021 registered under Sections 336, 506, 34 of IPC; Section 25 of Arms Act and Section 4 of Explosive Substances Act (added later on) at Police Station Sherpur, District Sangrur.

2. The aforementioned FIR was registered on the basis of the statement got recorded by the complainant Nirbhay Singh on 24.06.2021 alleging therein that his younger brother Malkeet Singh was married with Jaspaljit Kaur in the year 2017. Due to matrimonial discord having arisen between them, Jaspaljit Kaur and her family members lodged complaints against the family members of the complainant. In the year 2019, his brother

Malkeet Singh had gone to USA. Jaspaljit Kaur had also settled in Philippine (Manila). His brother had informed him that on 18.06.2021, he had received WhatsApp messages and calls thereby threatening him. On 22.06.2021 also, he got a threat call and on asking of his brother, the complainant checked the main gate of his house and found a bullet to be piercing through the same. His brother had told about this fact through WhatsApp. By alleging that some unknown persons in order to frighten his family, had fired shots with pistol outside his house, he prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. Statements of material witnesses were recorded. During the course of investigation, one handgrenade was found on the roof of the residential house of the complainant which was diffused and was taken into possession and then was destroyed. Offence under Section 4 of the Explosive Substances Act was added. The petitioner, who was arrested in connection with another case bearing FIR No.140 dated 04.07.2021 registered at Police Station City II, Khanna suffered disclosure statement admitting his involvement in the crime along with co-accused Jaswinder Singh @ Bhinder and firing gunshots and throwing handgrenade on the roof of the house of the complainant. Both of them were nominated as additional accused and were arrested in this case on 23.07.2021. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. No incriminating article has been recovered from him. There is no material on

record to link him with the subject offences under Section 4 of the Explosive Substances act. The matrimonial dispute between the family members of the complainant has been exclusively criminalized leading to prolonged incarceration of the petitioner without any credible evidence linking him with the alleged offences. He is in custody for a period of about 04 years and 08 months. There are no chances of conclusion of trial in the near future as only 05 out of 22 prosecution witnesses have been examined so far. Merely because of the fact that he has been involved in some other cases, he cannot be denied concession of bail. With these broad submissions, it is urged that the petition deserves to be allowed.

5. Notice of motion.

6. Learned State counsel has advance notice of the petition and is ready to argue the matter. He has placed on record custody certificate of the petitioner and has submitted that he is a habitual offender being involved in several other cases. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for both the parties at considerable length.

8. The petitioner is alleged to have fired shots with pistol outside the house of the complainant and threatened his family. He was not nominated in the FIR. The petitioner has been in custody for a period of about 04 years and 08 months now. The trial will take considerable time to conclude. It is well-settled law that the Court, while considering an application for grant of bail, has to keep certain factors in mind such as

whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence, circumstances which are peculiar to the accused, likelihood of the offence being repeated, the nature and gravity of the accusation, severity of the punishment in the event of conviction, the danger of the accused absconding or fleeing if released on bail, and reasonable apprehension of the witnesses being threatened, etc. However, at the same time, the period of incarceration is also a relevant factor to be considered while deciding whether bail should be granted to an accused charged with an offence. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Reliance in this regard can be placed on the observations made by the Hon'ble Apex Court in **Mohd. Muslim @ Hussain v. State (NCT of Delhi), 2023 SCC OnLine SC 352**, wherein it was observed that the jails are overcrowded and their living conditions are, more often than not, appalling. The danger of unjustified imprisonment is that inmates are more likely to be hardened rather than reformed. Reliance can also be placed upon **Manmandal and Another v. State of West Bengal, Special Leave Petition (Criminal) No. 8656 of 2023** decided on 14.09.2023 and **Rabi Prakash v. State of Odisha, 2023 SCC OnLine SC 110**, wherein bail was granted to the accused who had been incarcerated for a period of almost two to three years and the trial was likely to take considerable time. By observing that prolonged incarceration generally militates against the most precious fundamental right guaranteed

under Article 21 of the Constitution. The well settled proposition of law is that bail is the rule and jail is an exception. Pre- trial incarceration should not be replica of post-conviction sentencing. The object of the jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive.

9. On analyzing the peculiar facts and circumstances of the present case in the light of the aforementioned principles of law, it transpires that the petitioner has suffered prolonged incarceration for over a period of 04 years and 08 months and the attendant facts and circumstances of the case, this Court is of the opinion that a case is made out for grant of bail to the petitioner at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

11. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

12. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

09.04.2026

harjeet

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No