



CRM-M-19973-2025 (O&M)

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

115(ii)

CRM-M-19973-2025(O&M)

Date of Decision: 25.02.2026

GIAN

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Tarun K. Sharma, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 483 of the BNSS for grant of regular bail to the petitioner in FIR No. 010 dated 05.03.2024 under Sections 302,34 of IPC, 1860 (Sections 120-B, 148,149 of IPC added later on and Section 34 of IPC deleted) registered at Police Station, Kabirpur (AhaliKalan), District Kapurthala.

2. The case of the prosecution is that one Lakhwinder Singh @ Lakha was arrested for the murder of one Balvir Singh. On the basis of his disclosure statement, the petitioner has been nominated in the present case.

3. Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and has been falsely implicated in the present case. He further contends that the petitioner has been nominated solely on the basis of the disclosure statement allegedly suffered by the co-accused, which is not admissible in evidence. It is further submitted that, apart from the said



disclosure statement, there is no evidence available on record to connect the petitioner with the alleged offence. The petitioner is in custody since 09.03.2024.

4. On the other hand, learned State counsel opposes the grant of bail on the ground that allegations against the petitioner are serious in nature. He has filed the custody certificate in the Court, which is taken on record. As per the custody certificate, the petitioner is in custody for the last 01 year 11 months and 12 days and is not involved in any other case. He further submits that charges have been framed and out of 23 prosecution witnesses only 06 have been examined so far.

5. I have heard the submissions made by the parties and gone through the record.

6. After hearing the rival contentions of learned counsel for the parties and keeping in view the facts and circumstances of the case and the fact that apart from the disclosure statement there is no corroborated evidence on record to connect the petitioner with the alleged offence; the petitioner is in custody for the last 01 year 11 months and 12 days ; the petitioner is not involved in any other case and the trial is likely to take considerable time to conclude, this Court is of the view that further detention of the petitioner would not serve any useful purpose. Moreover, it is a settled principle of law that *“bail is the rule and jail is the exception.”*

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.



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8. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

9. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

10. Pending applications, if any, shall also stand disposed of.

25.02.2026

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(H.S.GREWAL)
JUDGE

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