



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

Sr.No.254

**CRM-M-19534-2026
Decided on : 27.05.2026**

Balwinder Singh @ Bimal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Laghuinder Singh Sekhon, Advocate
for the petitioner.

Mr. Amritpal Singh Gill, DAG, Punjab
for the respondent(s)-State.

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.13 dated 30.01.2014, registered under Sections 307, 341, 506, 148, 149, 201 IPC and Sections 25 and 27 of the Arms Act, 1959, at Police Station Sadar Sunam, District Sangrur.

2. Brief facts of the present case as per the prosecution are that the petitioner in connivance with co-accused armed with guns etc. fired upon the complainant Mandeep Singh and his friend with an intention to kill them. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the present FIR was registered on 30.01.2014 and he was granted the concession of



anticipatory bail by a Coordinate Bench of this Court. He further contends that vide order dated 30.10.2015, the petitioner was declared proclaimed offender and thereafter vide order dated 24.07.2023, he was granted bail by the learned trial Court in compliance of the order dated 04.07.2023, passed by a Coordinate Bench of this Court. The petitioner again absented and was declared proclaimed offender vide order dated 30.10.2023 and was arrested on 03.01.2026 and since then he is in custody. Learned counsel contends that the whole case of the prosecution is based upon the testimonies of police officials and with the independent corroboration, the version of the investigating agency could not be proved without reasonable doubt. The investigation in the case is complete, challan stands presented; charges are yet to be framed against the petitioner and co-accused in the present FIR have already been acquitted by the learned trial Court. He further submits 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. On the other hand, learned State counsel has filed the status report as well as the custody certificate, which are taken on record and while referring to the said status report, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he has flouted the bail conditions multiple times. He further submits that the petitioner is also involved in multiple 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 has been in custody for more than 03 months and 14 days; investigation in the present



case is complete; challan stands presented; charges are yet to be framed; the co-accused have already been acquitted by the learned trial Court; the complicity of the petitioner 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.

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. Besides, petitioner will also submit undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings will not be delayed because of his conduct. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

27.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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