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CRM-M-19972-2026

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2026.05.22.17.53



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

CRM-M-19972-2026

Date of decision: 21.05.2026

MANDEEP

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Sunil Saharan, Advocate (through V.C.)
and Ms. Puja Kangra, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG Haryana.

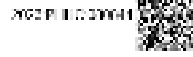
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RUPINDERJIT CHAHAL, J. (ORAL)

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.431 dated 01.06.2025 registered under Sections 221, 132, 121(1), 109(1) BNS, 2023 and Section 25(1-B)(a) of Arms Act, 1959 at Police Station Sadar Hisar, District Hisar.

2. Brief facts of the present case, as per the prosecution, are that on 01.06.2025, police party was on a patrolling duty and acting upon suspicion apprehended the petitioner and other two co-accused persons who on seeing the police party fired gunshots towards them with an intention to kill, wherein one bullet hit one police official. Hence, the present FIR.

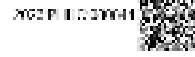
3. Learned counsel for the petitioner contends that the petitioner



injury has been attributed to the petitioner. He submits that in fact, the police party had fired upon the petitioner and the bullet hit his foot and in order to save themselves the police has concocted a false story. He further argued that in fact, it is a case of no injury and thus, the same does not attract Section 109 of BNS, which has been added by the prosecution only to make the offence graver. No recovery is to be effected from him, co-accused Naveen has already been granted concession of bail by this Court vide order dated 21.01.2026. The petitioner is in custody since 01.06.2025. The investigation in the case is complete; challan stands presented; charges have also been framed; out of 15 prosecution witnesses none has been examined. 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 status report and custody certificate of the petitioner, which is taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature as he along with co-accused fired upon the police party with an intent to kill and was also in possession of prohibited firearm. She has further submitted that the petitioner is 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 is in custody for the last more than 11 months; investigation in the case is



15 prosecution witnesses none has been examined; 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.

21.05.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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