



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.249

CRM-M-20207-2026
Decided on : 21.05.2026

Gurmit @ Gurmit Singh alias Bhola

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Veneet Sharma, Advocate
for the petitioner.

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

Mr. Umesh Aggarwal, Advocate
for the complainant.

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.255 dated 29.11.2024, registered under Sections 109, 115 (2), 118(1), 191(3) and 190 of the BNS, 2023, at Police Station Islamabad, Amritsar City.
2. Brief facts as per the prosecution case are that the petitioner alongwith co-accused persons armed with weapons, gave injuries to the husband of the complainant. Hence, the present FIR.
3. Learned counsel for the petitioner contends that the petitioner is

innocent and has been falsely implicated in the present case. He further



contends that the allegations levelled against him are false and he has no concern with the said offence. Learned counsel contends that the present case is of version and cross-version rather it was the complainant party who was the aggressor. He further contends that there is no direct evidence to connect the petitioner with the said offence. He further contends that if the prosecution story is taken to be true, even then also, the injuries attributed to the petitioner are on the non-vital part of the body of complainant. Learned counsel submits that the similarly situated co-accused Surinder Pal @ Sheenda has already been granted the concession of regular bail by the Court of learned Additional Sessions Judge, Amritsar vide order dated 29.04.2026. No recovery is to be effected from the petitioner. The petitioner is in custody since 27.12.2025. The investigation in this case is complete; challan stands presented but the charges are yet to be framed. Learned counsel further submits that trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the status report as well as custody certificate which are taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is also involved in multiple other cases meaning thereby he is a habitual offender.

5. Learned counsel for the complainant, while opposing the petition for grant of bail, has contended that the petitioner has played an active role in the crime and, thus, does not deserve the concession of bail.



6. 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 04 months and 21 days; the co-accused has already been granted the concession of regular bail; the investigation in this case is complete; challan stands presented; charges are yet to be framed and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner 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.

7. Reliance in this regard is placed upon a judgment of Hon'ble Supreme Court 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. All miscellaneous application(s), if any, stands disposed of accordingly.

21.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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