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

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CRM-M-56942 of 2025
Date of Decision: 15.01.2026

Jagroop Singh alias Charna

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Kamal Gupta, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.0026 dated 05.02.2025 registered under Sections 132, 221, 259 of the Bharatiya Nyaya Sanhita, 2023 (Sections 259 of BNS deleted and Section 262 of BNS was added later on), at Police Station Chheharta, District Amritsar.

2. Brief facts of the present case as per the prosecution are that, the petitioner while in custody in another criminal case, tried to snatch the weapon from the police officials in order to abscond while he was being taken to the spot for recovery as per his disclosure statement. Hence the present FIR.

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3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that as per the case of the prosecution, when the petitioner was being escorted by a police party, he snatched the official firearm (pistol) from ASI Pawan Kumar, in order to run away from the spot and also attempted to fire at the police party, which is filmy and casts serious doubt on the prosecution story. He argued that the petitioner has already been granted the concession of regular bail by the Court of learned Additional Sessions Judge, Amritsar in another case i.e. FIR No.213 dated 24.11.2024. He further argued that nothing is to be recovered from the petitioner and he is in custody since 05.02.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. 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 custody certificate of the petitioner, which is taken on record and while referring to the status report already filed in the Court, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature as he snatched the official weapon from the police party in order to run away from the spot and also tried to fire at the police party. He has further submitted that the petitioner is also involved in one more case 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 11 months; investigation is complete; challan stands



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presented; charges have been framed; the complicity of the petitioner is a matter of trial, and the trial is likely to take a long time to conclude. No useful purpose would be served by keeping 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.

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 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*".

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



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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 in the sum of Rs.2,00,000/- with one surety in like amount before the trial Court concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

15.01.2026

D.Bansal

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