

2026.PHHC.006681



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

228

CRM-M-57834-2025

Date of decision: 19th January, 2026

Vishal Gill @ Vishal Jacob

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aakash Rana, Advocate with
Mr. Sahil Nain, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 14 dated 09.08.2024 registered under Section 25 of Arms Act, 1959 and Section 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station SSOC, SAS Nagar. His previous petition CRM-M-42727-2025 had been dismissed as withdrawn vide order dated 12.08.2025.

2. As per the allegations, on 09.08.2024, a secret information was received to the effect that the present petitioner along with co-accused Mukul, Arjun, Yashoda Nandan and some unknown persons had acquired weapons and were planning to commit some offence and at that very moment, they were hatching a conspiracy in the vicinity of Nawanshahr and Mohali area

2026.PHHC.006681



and further that they could be apprehended. Believing the secret information to be true, a raiding party was immediately formed. Ruqa was sent to the police station and a case under Section 25 of Arms Act and Section 61(2) of BNS was registered. Investigation proceedings were initiated. On 12.03.2025, the petitioner was apprehended. On conducting his search, one .32 bore pistol was recovered from his conscious possession which was taken into custody. The petitioner suffered disclosure statement admitting his involvement in the crime. The co-accused were also arrested. investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was arrested after a period of more than seven months from the date of registration of FIR. A false recovery has been planted upon him. Trial will take considerable time to conclude. His involvement in other cases cannot be considered to be a ground for denying benefit of bail to him. It is, therefore, argued that he deserves to be released on bail.

4. Status report and custody certificate have been filed by respondent-State. Learned State counsel has argued that taking into consideration the criminal antecedents of the petitioner and gravity of the allegations, he does not deserve to be released on bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner is alleged to have been found in conscious possession of illicit weapon. He has been in custody since 12.03.2025. The

2026.PHHC.006681



subject offences are triable by Magistrate. No useful purpose would be served by detaining him in custody anymore. The petitioner is in custody for a period of more than ten months. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon’ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system. It is also well settled that pre-trial incarceration should not be a replica of post-conviction sentence. Taking into consideration the above discussed facts but without meaning to make any comment upon the merits of the case, this Court is of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be admitted on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

19th January, 2026
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |