

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:014880



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CRM-M-57575-2025 (O&M)
Date of decision:02.02.2026

Varinder Singh @ Vicky

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. Instant petition has been filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.0010, dated 16.02.2025, registered under Section 109 of the BNS and Section 25 of the Arms Act, at Police Station Kathu Nangal, District Amritsar.

2. As per the allegations, on 15.02.2025, on receipt of a secret information to the effect that the present petitioner, who was nominated as an accused in case bearing FIR No.18, dated 29.01.2025, registered at Police Station Gate Hakima, Amritsar City, was standing near Mata Mandir Chawinda Devi along with illegal arms and could be apprehended. Believing the secret information to be true, a raiding party was formed, which reached at the spot. The petitioner was found standing there. On seeing the police officials, he fired a shot with a pistol which he

was carrying with an intent to kill the police officials. He was, however, chased and apprehended along with the weapon used by him. He disclosed his name and particulars. He was formally arrested and is in custody since then. Investigation now stands completed and challan has been presented.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 15.05.2025. False recovery has been planted upon him. Trial will take considerable time to conclude since charges have not been framed so far. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, argued that he deserves to be extended the benefit of bail.

5. Status report and custody certificate have been filed. Learned State counsel has vehemently argued that the petitioner is a habitual offender being involved in three more cases. There are serious allegations against the petitioner. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore, stressed that the petitioner does not deserve to be extended the benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner is alleged to have made an attempt to kill the police officials by firing a shot with a pistol upon them and is further alleged to have been found in conscious possession of the pistol in an illegal manner. The allegations make out a *prima facie* case for commission of the subject offences against him. However, no one was

injured in the occurrence. The petitioner is in custody for a period of over 08 months and 17 days. The trial will take considerable time to conclude as no prosecution witness has been examined so far. Continued detention of the petitioner would not serve any useful purpose. Given the nature of the allegations and the circumstances peculiar to the case, this Court is of the considered opinion that the petitioner has made out a case for grant of bail. Even otherwise, it is well settled proposition of law that pre-trial incarceration should not be a replica of post conviction sentencing and bail is the rule and jail is an exception. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

02.02.2026

harjeet

(MANISHA BATRA)
JUDGE

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