

2026.PHHC.002562



**CRM-M-61972-2024 and
CRM-M-59645-2025**

-1-

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

111(2) cases

Date of decision: 13.01.2026

1. CRM-M-61972-2024

TEJINDER SINGH FAUJI

...Petitioner

Versus

STATE OF PUNAJB

...Respondent

2. CRM-M-59645-2025

YOGESHWAR SHARMA ALIAS BONI ALIAS JOGESHWAR
SHARMA

...Petitioner

Versus

STATE OF PUNAJB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.S.Rai, Sr. Advocate with
Mr. Karan Pathak, and Mr. Arjun S. Rai, Advocates,
for the petitioner in CRM-M-61972-2024.

Mr. Ashutosh Gupta, Advocate and
Mr. Arpit Singhal, Advocate,
for the petitioner in CRM-M-59645-2025.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Sant Pal Singh Sidhu, Sr. Advocate with
Mr. Udayveer Singh and Mr. Navpreet Singh, Advocates,
for the complainant.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petitions filed under Sections 483 of
BNSS is for grant of regular bail to the petitioners in case FIR No.38
dated 06.04.2022, registered at Police Station Urban Estate Patiala, under

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Sections 302, 148, 149 and 34 IPC, Sections 25, 27, 54 and 59-A of the Arms Act.

2. Short reply in CRM-M-61972-2024, filed by way of affidavit of the Deputy Superintendent of Police, City-2, District Patiala, is taken on record.

3. Learned Senior Counsel in CRM-M-61972-2024 and learned counsel in CRM-M-59645-202 contend that the petitioners have been in custody for the last 3 years and about 9 months. The allegations of having caused fire-arms to Dharminder Singh (since deceased) on his back were against Harveer, although the petitioners alongwith others are stated to have fired, but neither there are any empties recovered from the spot nor corresponding injury to anyone that has been alleged. Even, no recovery has been effected from petitioner-Yogeshwar Sharma. Co-accused, Pritpal Singh @ Preet and Bahadur Singh @ Lovedeep Singh have since been granted bail, vide order dated 03.09.2025, after being in custody for 3 years and 4 months. Charges have been framed on 12.08.2022, the complainant as also eye-witness stand examined, however, there are still 31 more to go. The petitioners are involved in other cases mostly under the Arms Act and Prisons Act, wherein they are on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

4. The custody certificates dated 12.01.2026, filed by the learned State counsel are taken on record. As per the same, the petitioners are behind bars for 3 years, 8 months and 20 days.

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5. Learned State counsel and learned Senior Counsel for the complainant oppose the bail on the ground that there are specific allegations against the petitioners of having opened fire on the deceased and others with a premeditated mind. However, they are unable to controvert the submissions with regard to stage of the case and the co-accused having been released on bail.

6. Heard.

7. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "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." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail."

8. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for the last 3 years, 8 months and 22 days; co-accused are on bail; charges were framed on 12.08.2022, however, 2 material witnesses, including the complainant, have been examined, out of 33; the trial is likely to take a considerable time, further

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incarceration of the petitioners would be violative of their right enshrined under Article 21 of the Constitution of India, the present petitions are allowed.

9. The petitioners are ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioners shall not commit an offence similar to the offence of which, they are an accused, or for commission of which they are suspected of.
- (v) The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioners shall not in any manner misuse their liberty.
- (vii) The petitioners shall furnish their address and mobile number by way of affidavits to the trial Court and not change the same till conclusion of trial and if for any reasons, they seek to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

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10. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

11. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

12. Photocopy of this order be placed on the connected file(s).

13.01.2026
parveen kumar

**(AMAN CHAUDHARY)
JUDGE**

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