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CRM-M-65325-2025

2026 FHHG 020314



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

CRM-M-65325-2025
Date of decision: 10.02.2026

AKASH MASIH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Amarbir Singh Shergill, Advocate for the petitioner.

Mr. Amritpal Singh Gill, DAG Punjab.

.....

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.0121 dated 03.11.2024, registered under Section 304 of BNS, 2023 (Sections 191(3), 190 of BNS and 21, 65, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and 25, 27, 54, 59 of the Arms Act added later on) at Police Station Ramdas, District Amritsar Rural.

2. Brief facts of the present case, as per the prosecution, are that on 03.11.2024 Constable Gurdev Singh registered a complaint that two unknown persons riding an Activa snatched his kit bag from his possession containing a 9 mm pistol, a mobile phone and Rs.5000/-. The complainant suffered his supplementary statement that along with his pistol there were magazine and five live rounds. During investigation, on the basis of secret tip-off one

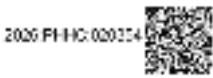


Jaspinder Singh was apprehended who further disclosed that he and one Pawanpal had snatched the kit bag of the complainant.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He argued that the petitioner was neither present at the spot nor was named in the FIR. It has also been contended that the present petitioner was nominated as an accused on the basis of disclosure statement made by co-accused Jaspinder Singh. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of co-accused during his custodial interrogation is not admissible in evidence. He further submits that in their disclosure statements, said co-accused also got recovered arms and heroin, hence, provisions of NDPS Act were added in the FIR. He further submits that nothing has been recovered from the present petitioner. The petitioner is in custody since 13.11.2024. The investigation in this case is complete, challan has been presented, however, charges have not yet been framed. He submits that the petitioner has clean antecedents as he is not involved in any other case. He further submits that 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 and status report in the matter, which is taken on record and while referring to the same, learned State counsel has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he could not controvert the fact that

the petitioner has clean antecedents as he is not involved in any other case.



5. 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 01 year, 02 months; investigation is complete; challan is presented, however, charges have not yet been framed; petitioner has clean antecedents and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of her 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 her 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. 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.

10.02.2026
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(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No