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CRM-M-70419-2025

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

**CRM-M-70419-2025**

**Date of decision: 18.02.2026**

**GURJEET SINGH ALIAS KULDEEP SINGH ALIAS GURJIT  
SINGH ....Petitioner**

**Versus**

**STATE OF PUNJAB**

**....Respondent**

**CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present:- Mr. Karanjeet Singh Brar, 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.124 dated 10.08.2023 registered under Sections 307, 34 IPC and Section 25 Arms Act, 1959 at Police Station Barnala, District Barnala.

2. Brief facts of the present case, as per the prosecution, are that on 10.08.2023, ASI Charanjit Singh, along with other police officials, was on a patrolling duty. On the basis of suspicion, signalled the petitioner and co-accused Arshdeep Singh who were riding a motorcycle to halt. However, both fled. During the chase, the petitioner fired a gunshot at the police party which hit the police party vehicle. Hence, the present FIR.



3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that no gunshot injury has been attributed to the petitioner. He submits that in fact, the police party had fired upon the petitioner which hit his leg and in order to save themselves the police has concocted a false story upon the petitioner. No recovery is to be effected from him. The petitioner is in custody since 10.08.2023. The investigation in the case is complete; charges have been framed; challan also stands presented; out of 23 prosecution witnesses none has been examined. 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. Learned State counsel has filed the status report and custody certificate of the petitioner, which is taken on record. 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 fired upon the police party with an intent to kill and was also in possession of prohibited firearm. He has further submitted that the petitioner is involved in multiple other cases 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 is in custody for the last more than 02 years, 06 months; investigation in the case is complete; charges have been framed; challan also stands presented; out of 23 prosecution witnesses none has been examined; and the fact that trial may take a long time to conclude, no useful purpose would be served

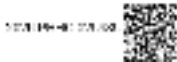


detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

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 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. 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 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/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.

18.02.2026  
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(RUPINDERJIT CHAHAL)  
JUDGE

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