



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.237

CRM-M-73240-2025
Decided on : 10.02.2026

Gurjant Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Mr. Ravinder Singh, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of BNSS is for grant of regular bail to the petitioner in case FIR No.87 dated 15.09.2025, registered under Sections 115(2), 304, 3(5) of BNS, 2023 and Section 25 of the Arms Act, 1959, at Police Station Tarsikka, District Amritsar.
2. Brief facts as per the prosecution case are that the FIR was registered on the complaint of Jobanjit Singh, who alleged that the petitioner alongwith co-accused armed with pistol and dang (stick) snatched an amount of Rs.15,388/- from him on gun point and also gave dang blows to him. Hence, the present FIR.
3. Learned counsel for the petitioner contends that the petitioner is

innocent and has been falsely implicated in the present case. Learned



counsel contends that the alleged incident occurred on 08.09.2025 but the FIR was registered on 15.09.2025 i.e. after an unexplained delay of 08 days, casting a serious doubt on the prosecution story. He submits that the petitioner is working in Punjab Roadways and has been implicated in this case because of departmental grudges. The pistol used in the alleged occurrence was recovered from co-accused and nothing is to be recovered from the petitioner. The petitioner is in custody since 15.09.2025. The investigation in this case is complete and challan also stands presented. He further submits that the charges are yet to be framed, as such the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, filed the custody certificate of the petitioner as well as the status report, which are taken on record. He has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature. He further submits that the petitioner is involved in multiple other cases of similar nature meaning thereby he is a habitual offender.

6. 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 03 months and 02 days; investigation in the present case is complete; challan stands presented, charges are yet to be framed, as such, the trial will take a long time to conclude and no useful purpose would be served by detaining him in further custody. His further 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.

7. 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 his 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*".

8. As regards the submission of learned State counsel that petitioner is involved in other/another 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."

9. 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



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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. All other pending applications, if any, are also disposed of accordingly.

10.02.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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