



CRM-M-714 of 2026

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

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CRM-M-714 of 2026
Date of Decision: 18.04.2026

Kuldeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. H.S. Batth, Advocate
for the petitioner.

Mr. Amritpal Singh, 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.18 dated 20.02.2023 registered under Sections 326, 323, 120-B, 148 and 149 of IPC (Section 307 of IPC added later on), at Police Station Valtaha, District Tarn Taran.

2. Brief facts of the present case are that the petitioner in connivance with other co-accused formed an unlawful assembly and in furtherance of their common object caused injuries to the complainant. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He argued that the alleged occurrence took place on 17.02.2023 but the FIR in question was



registered on 20.02.2023 i.e. after an unexplained delay of 03 days, casting serious doubt on the prosecution story. He argued that the petitioner was not even present on the spot at the time of commission of offence. He further argued that the petitioner was roped in the FIR only on the basis of suspicion without any concrete evidence. He argued that even if the contents of the FIR are taken to be true, even then no specific injury has been attributed to the present petitioner. He further argued that Section 307 of IPC was added by the prosecution later on only to make the offence graver. Further, co-accused Mangal Singh @ Mangat Singh @ Manga has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 14.02.2024. No recovery is to be effected from him. The petitioner is in custody since 01.09.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 15 prosecution witnesses and out of them, only 01 has been examined till date and as such, the 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 of the petitioner and status report in the matter, which are taken on record and while referring to the status report, he has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and he is main conspirator in the said crime. He has further submitted that the petitioner is involved in two more 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 07 months; similarly placed co-accused have been granted bail; investigation in the FIR is complete; challan stands presented; charges framed; out of 15 witnesses, only 01 has been examined till date; the complicity of the petitioner is a matter of trial; which is proceeding at snail's pace, and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of 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 the 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*".

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

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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.

(RUPINDERJIT CHAHAL)
JUDGE

18.04.2026*D.Bansal*

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