



CRM-M-40 of 2026

-1-

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

246

CRM-M-40 of 2026
Date of Decision: 17.02.2026

Paras Chauhan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Raghav Soni, 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.153 dated 27.07.2025 registered under Sections 309(3), 309(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25/54/59, at Police Station Cantonment, District Amritsar.
2. Brief facts of the present case are that the petitioner along with other co-accused had committed robbery in the wine shop of the complainant and snatched Rs.15/20 thousand from the cash counter on gunpoint. Hence, the present FIR.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He further submitted that the petitioner was neither named in the FIR, nor has

**CRM-M-40 of 2026****-2-**

committed any such offence and initially, FIR was registered against unknown person. He argued that the alleged occurrence took place on 26.07.2025 but the FIR in question was registered on 27.07.2025 i.e. after a delay of 01 day, casting serious doubt on the prosecution story. He further 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 the petitioner was named by the complainant only in his supplementary statement and as per his statement, the petitioner was only waiting outside the wine shop. No recovery is to be effected from the petitioner. The petitioner is in custody since 28.03.2025. The investigation in the case is complete, challan also stands presented but charges are yet to be framed. He further submits that 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 the 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. He further submitted that the petitioner is involved in 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 06 months; investigation is complete; challan stands presented; charges are yet to be framed; the complicity of the petitioner is a



CRM-M-40 of 2026

-3-

matter of trial and the same 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 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



CRM-M-40 of 2026

-4-

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 her 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

17.02.2026*D.Bansal*

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