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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-3825 of 2026
Date of Decision: 13.05.2026

Vishal Singh @ Shali

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Avtar Singh Khinda, Advocate for the petitioner.

Ms. Amrit Kaur, AAG, 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.79 dated 28.05.2025 registered under Sections 109, 118(2), 61(2), 190, 191 and 191(3) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Adampur, District Jalandhar.

2. Brief facts as per the case of the prosecution are that the petitioner in connivance with other co-accused, attacked the complainant and his friend Anish and caused serious injuries to him with an intention to kill him, due to some old enmity. Hence, the present FIR.

3. Learned counsel for the petitioner has submitted 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



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named in the FIR, nor has participated in the said scuffle. He argued that the alleged occurrence took place on 27.05.2025 but the FIR in question was registered on 28.05.2025 i.e. after a delay of 01 day, casting serious doubt on the prosecution story. He further submitted that the petitioner was intentionally roped in the FIR only on the basis of suspicion without any concrete evidence. He further argued that if the contents of the FIR are taken to be true, even then the injury attributed to the petitioner is stated to be simple in nature and to the co-accused is grievous in nature, hence, Section 109 of BNS has been added by the prosecution only to make the offence graver as no injury is declared to be dangerous to life. Moreover, the petitioner has clean antecedents as he is not involved in any other case and nothing is to be recovered from him. The petitioner is in custody since 06.10.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 08 prosecution witnesses but none 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, she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, she has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.



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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; he has clean antecedents; investigation in the FIR is complete; challan stands presented; charges framed; out of 08 prosecution witnesses, none 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. 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

13.05.2026

D.Bansal

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