



CRM-M-17250-2026

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of decision: 14.05.2026

BANARSI DASS

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Nitin Sachdeva, 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.152 dated 28.10.2025 registered under Sections 109, 125 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 25 of the Arms Act (Sections 61(2), 308(2), 238, 317(2) of the BNS and Sections 54/59 of the Arms Act added later on), at Police Station City-1, Mansa, District Mansa.
2. Brief facts as per the prosecution case are that the petitioner along with co-accused fired gun shots towards the complainant with an intention to kill him. 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 further submitted that the petitioner was not named in the FIR and initially, the FIR in question was registered against unknown persons. He further argued that if the contents of the FIR are taken to be true, even then no specific role has been attributed to the present petitioner. He further argued that the petitioner was roped in the present case only on the basis of suspicion without any concrete evidence. He further argued that in fact, it is a case of no



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injury and thus, the same does not attract Section 109 of BNS, which has been added by the prosecution only to make the offence graver. Further, co-accused persons namely Baljinder Singh and Bhupinder Singh has already been granted the concession of regular bail by this Court, vide orders dated 12.03.2026 and 18.03.2026. He submits that no recovery is to be effected from him. The petitioner is in custody since 25.11.2025. The investigation in this case is complete, challan stands presented but charges are yet to be framed. He submitted 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 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 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 05 months; investigation is complete; challan stands presented; charges are yet to be framed; the complicity of the petitioner is a 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



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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 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

14.05.2026

Mohit Bishnoi

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