



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

CRM-M-18914-2026

Date of decision: 11.05.2026

JASWANT SINGH AND ANR.

....Petitioners

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. H.S. Deol, Advocate for the petitioner.

Ms. Amrit Kaur Mahir, 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.37 dated 17.02.2026 registered under Sections 299, 351(2), 115(2), 61(2) of the Bharatiya Nyaya Sanhita, 2023 (Section 152 BNS added later on) at Police Station Nehianwala, District Bathinda.

2. Brief facts of the present case, as per the prosecution, are that petitioner and other co-accused persons cut beard and hair of the complainant-Raghveer Singh with scissors and also inflicted injuries to him. The petitioner and other co-accused persons also unfurled the flag of *khalistan* and hurt the integrity and unity of the country. Hence, the present FIR.

3. Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. He submits that even if the contents of the FIR are taken to be true, the only role



attributed to the petitioners is that when petitioner No.2 was cutting beard of the complainant, petitioner No.1 assisted him and both of them gave beatings to the complainant. He further submits that all the injuries in the present case are declared simple in nature. Nothing is to be recovered from the petitioners. The petitioners have clean antecedents as they are not involved in any other case. He submits that Section 152 BNS has been added by the prosecution only to make the offence graver. The petitioners are in custody since 21.02.2026. The investigation in the case is complete; challan stands presented, however, charges have not been framed yet. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping them behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate of the petitioners, which is taken on record. Status report has already been filed and she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioners is serious in nature as the petitioners have actively participated in the crime. However, she could not controvert the fact that the petitioners are a first time offender and are not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioners are in custody for the last 02 months; the investigation in the case is complete; challan stands presented, however, charges are yet to be framed and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining them in further custody. Their continued detention



without the prospect of the trial being concluded in the near future would be violative of their 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. In view of the above, the present petition is allowed and the petitioners are ordered to be released on bail on their 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.

11.05.2026

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

(RUPINDERJIT CHAHAL)
JUDGE

Yes/No
Yes/No