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

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**CRM-M-19800-2026
Date of Decision: 14.05.2026**

Amar Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Himmat Singh Deol, 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.37 dated 17.02.2026 registered under Sections 299, 351(2), 115(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (Sections 152 of BNS added later on), at Police Station Nehianwala, District Bathinda.

2. Brief facts of the present case are that the petitioner along with 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.



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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 nominated later vide DDR No.34 dated 17.02.2026 which is clearly an afterthought. He submitted that there is no allegation against the petitioner regarding his involvement in the alleged act except of unfurling a flag. He further argued that if the contents of the FIR are taken to be true, even then all the injuries in the present case are declared to be simple in nature. He further argued that Section 152 of BNS was added by the prosecution only to make the offence graver. Further, co-accused Jaswant Singh has already been granted the concession of regular bail by this Court, vide order dated 11.05.2026. 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 17.02.2026. The investigation in the case is complete and challan also stands presented but charges are yet to be framed. He further 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 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. However, he 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 02 months; he has clean antecedents; investigation is complete; challan stands presented; 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 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 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

14.05.2026
D.Bansal

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