



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M No.37590 of 2024
Date of Decision: 19.09.2024

Arshdeep Singh @ Sunny @ Mass ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Malkiat S.Hundal, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) for grant of regular bail in case arising out of FIR No.77 dated 17.04.2023 registered under Sections 307 and 34 of IPC and Sections 25 and 27 of Arms Act, 1959 (Section 120 of IPC added later on) at Police Station Jandiala, District Amritsar Rural.
2. Brief facts relevant for the purpose of disposal of the present petition are that the above stated FIR was registered on 17.04.2023 on the basis of statement recorded by the complainant Ankushdeep Singh alleging therein that his father Balwinder Singh was General Secretary of SC Morcha Punjab BJP and was also incharge of the constituency in Lok Sabha by-elections which were to be held at Jalandhar. On the night of 16.04.2023, he reached back home after doing his work at about

2024:PHHC:124401



8:00/8:30 PM. At 9:00 PM, when the complainant with his parents and younger sister was present in his house and they were having conversation with each other, the main door of their house was opened and one youth entered inside while carrying a pistol. He immediately fired a shot towards his father with an intention to kill him. The shot hit the jaws of his father. The said youth fled away on a motorcycle which was standing outside his house and one more person was occupying the same. After registration of FIR, investigation proceedings were initiated. The co-accused Jagjit Singh @ Sona was arrested. He suffered disclosure statement thereby nominating the petitioner as an accused. On the basis of his disclosure, the present petitioner was arrested on 13.07.2023. Investigation has since been completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR. No test identification parade of the petitioner had been conducted. The injuries sustained by the victim were not declared to be dangerous to life. The provisions of Section 307 of IPC were not attracted. Charges in this case have been framed on 22.12.2023. However, not even a single witness has been examined so far. The trial is likely to take time. His further detention would not serve any useful purpose. Hence, it is argued that he deserves to be released on bail.

4. Per contra, it is argued by learned State counsel that the victim had sustained firearm injuries which were caused to him by the petitioner



and the co-accused obviously with an intention to kill him. He urged that keeping in view the gravity of the allegations, the petitioner does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. It will be relevant to mention here that the report of the trial Court with regard to the examination of complainant and injured had been sought for and as per the report received, after framing of charges on 22.12.2023, till date, no witness has been examined. The petitioner is in custody for a period of over one year two months. The trial is going at snail’s pace as not even a single witness has been examined so far. As such, no useful purpose would be served by detaining him in custody any more. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the discussion as made above, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

19.09.2024
manju

(MANISHA BATRA)
JUDGE

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