



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

210

CRM-M-44518-2024

Date of decision: 13.09.2024

Gursahib Singh @ Sabha

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Lalit Goyal, Advocate  
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

\*\*\*\*

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C./483 of the BNSS in case FIR No.63 dated 16.11.2023 under Sections 307, 342, 382, 323, 325, 506, 148, 149 of the IPC and Sections 25/54/59 of the Arms Act, 1959 registered at Police Station Airport, Amritsar.

2. Learned counsel for the petitioner contends that the false implication of the petitioner in the present case is evident from the fact that he was neither named in the FIR in question nor was any suspicion, by way of a whisper, raised qua his involvement in the occurrence which allegedly took place in the *Dhaba* of the co-accused. It has still further been argued by the learned counsel that the name of the petitioner surfaced in the disclosure statement of co-accused Harshdeep Singh @ Harsh, who has since been granted the concession of bail, and furthermore, role of the petitioner is identical to that of co-accused



CRM-M-44518-2024

Harshdeep Singh @ Harsh. It has further been submitted that since investigation in the present case is complete, challan stands presented and charges framed, further incarceration of the petitioner would serve no useful purpose as none of the 16 prosecution witnesses have been examined so far. It has also been submitted by the learned counsel that though the petitioner did not participate in the alleged occurrence, however, even as per the case of the prosecution the petitioner has only been attributed simple injury with a baseball bat on the person of the complainant and injured Rachit.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Sulakhan, has not disputed the stage of trial and the role allegedly attributed to the petitioner in the crime in question. It has also not been disputed that the petitioner was not named in the FIR in question and his name surfaced only in the disclosure statement allegedly suffered by co-accused Harshdeep @ Harsh, who has since been enlarged on bail.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 25.11.2023. The injuries attributed to the petitioner are with a baseball bat on the person of the complainant and injured Rachit which as per even the learned State counsel were opined to be simple in nature. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner

**CRM-M-44518-2024**

be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**13.09.2024**

Vinay

**(MANJARI NEHRU KAUL)  
JUDGE**

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