



CRM-M-47178-2024

-1-

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

227

CRM-M-47178-2024

Date of decision: 1st October, 2024

Sukhpal Singh @ Paalo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manu Loona, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 66 dated 18.06.2024 registered under Sections 307, 323, 324, 336, 160, 148 and 149 of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Arniwala, District Fazilka.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a statement recorded by ASI Mohinder Singh alleging therein that on the same day at about 12 pm, when he was performing patrolling duty in the area of Dhani Ram Dakhi village Chahlawali, a secret information was received that



the present petitioner armed with pistol and co-accused who were also armed with weapons along with 4-5 unidentified persons who had created nuisance in the area of Mandi Arniwala, were riding on their vehicles and were following Gurpreet Singh son of Gurmeet Singh, resident of Mohammed Amira and Gurpreet Singh son of Joginder Singh resident of Kabulshah Khubban and were present on the link road leading from Village Chahlawali to Ghattianwali Jattan, with an intention to kill the above named two persons and they were firing in the air. Believing the secret information to be true, FIR was registered. The petitioner was arrested on 03.08.2024. He had moved an application for grant of pre-arrest bail which was dismissed by the learned Additional Sessions Judge, Fazilka vide order dated 28.08.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 03.08.2024. His custodial interrogation is no more required. He was named as an accused on the basis of secret information. Most of the accused have since been extended benefit of regular/anticipatory bail. No specific overt act has been attributed to him. As per the medico legal report, it cannot be assessed that the injuries sustained by the injured Gurpreet Singh son of Gurmeet Singh resident of Mohammed Amira and Gurpreet Singh son of Joginder Singh resident of Kabulshah Khubban were caused by some firearm. Investigation and trial is likely to take time. No useful purpose would be served by detaining the petitioner in custody anymore. Therefore, it is urged that the petition deserves to be allowed.



4. Status report has been filed by the respondent-State. It is submitted therein and it is argued by learned State counsel that keeping in view the gravity of the allegations as levelled in the FIR, the petitioner does 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 carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly, he is alleged to have caused injuries to the victims Gurpreet Singh son of Gurmeet Singh resident of Mohammed Amira and Gurpreet Singh son of Joginder Singh resident of Kabulshah Khubban. However, no specific overt act has been attributed to the petitioner in the FIR. The medico legal report does not show that injuries sustained by the victims were firearm injuries. Investigation and trial is likely to take time. The allegations were made against several persons and some of them are yet to be apprehended/arrested. As such, further detention of the petitioner would not serve any useful purpose. Moreso, it is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner, the part attributed to him and the attendant facts and circumstances of the case, but without meaning to make any comment on the merits thereof, it is observed that the petition deserves to be allowed and is ordered to be admitted on bail subject to his furnishing



CRM-M-47178-2024

-4-

personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/
Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application,
if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

1st Ocotber, 2024

Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |