

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:172382



225

CRM-M-2141-2025 (O&M)
Date of decision:10.12.2025

Gurpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Navraj Singh Mahal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case arising out of FIR No.92 dated 23.10.2023, registered under Sections 307, 34 IPC and Section 25 of the Arms Act (offence under Section 400, 115, 212, 506, 120-B, 201, 148, 149 IPC and Section 25(F) of the Arms Act were added lateron), at Police Station Lambran, District Jalandhar Rural.

2. The aforementioned FIR has been registered on the basis of statement recorded by the complainant – Sukhwinder Kaur alleging that in the morning of 22.10.2023, her son Gurmej Singh @ Gonsa had gone to the fields to cultivate the same along with his tractor. At about 02:25 p.m., while he was coming back to have lunch at his house and had reached near the

house of a co-villager Kundan Singh, he was intercepted by two unknown persons, who came on a motorbike and fired shots upon her son with an intent to kill him. Her son had somehow managed to save himself and had a narrow escape. The occurrence took place within the sight of the complainant, who raised a clamour. After registration of the FIR, investigation proceedings have been initiated. Victim Gurmej Singh @ Gonsa recorded his statement on 24.10.2023 on the basis of which accused Harpreet Singh @ Happy and Harbhajan Singh were nominated as accused. Offences under Sections 506 and 120-B IPC were added. On 28.10.2023, victim recorded his supplementary statement on the basis of which the present petitioner and Amritpal Singh were nominated as additional accused. They were arrested on 29.10.2023. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR and his name has been added on the basis of supplementary statement of the victim Gurmej Singh @ Gonsa. The victim has been partly examined. The trial will take considerable time to conclude as only 01 witness out of 33 prosecution witnesses has been examined so far and that too, partly. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. No useful purpose would be served by keeping him in custody anymore. His incarceration is already prolonged since he has been in custody for over a period of 02 years and 01 month. With these broad submissions, it is argued that the petition deserves to be allowed.

5. Per contra, learned State counsel has argued that there are serious and specific allegations against the petitioner. He is a habitual

offender since several other cases have been pending against him, two of which are pertaining to the allegations of making attempt to murder. There are chances of petitioner's intimidating the witnesses or committing similar offences, if extended benefit of bail. It is, therefore, urged that he does not deserve to be extended the benefit of bail.

6. I have heard rival submissions made by learned counsel for the parties.

7. The petitioner has been in custody for a period of over 02 years and 01 month. There are no basis for the contention that the petitioner will abscond or may intimidate the witnesses. Only 01 witness has been examined so far and that too, partly. Obviously, the trial is delayed and there is no likelihood of the same to conclude in near future. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. It is well settled proposition of law that the bail is the rule and jail is an exception. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court, and subject to the

condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

8. Breach of any of the above conditions shall be a ground for cancellation of bail granted to the petitioner.

9. Pending application(s), if any, shall also stand disposed of.

10.12.2025*harjeet***(MANISHA BATRA)
JUDGE**

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