



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

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CRM-M-3935-2025

Date of decision: March 28<sup>th</sup>, 2025

Aryan Singh alias Raja

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Vikas P. Singh, Advocate  
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

**MANJARI NEHRU KAUL, J.**

Petitioner is seeking the concession of regular bail in FIR No.294 dated 13.12.2023 under Sections 307, 506, 34 of the IPC and Section 25 of the Arms Act, registered at Police Station Sahnewal, District Ludhiana.

2. Learned counsel for the petitioner contends that the FIR was initially lodged against unknown assailants, who, on 10.12.2023 at about 9:30 PM, entered the shop of the complainant wearing masks, enquiring about his father, threatened him at gunpoint, and then fired towards him. However, the complainant did not sustain any injuries. It is submitted that as per the FIR due to the commotion, the alleged assailants fled away from the scene.

3. It has been further argued that a perusal of the FIR reveals that the petitioner was not named in the FIR, nor was there any suspicion regarding his involvement; the assailants had their faces covered and significantly, no test identification parade was conducted, thereby

weakening the case of the prosecution qua the petitioner. It has been argued that in fact the petitioner has been solely implicated in the present case based on a disclosure statement/confession allegedly made by him in another criminal case, wherein he purportedly admitted to his involvement in the present case. Learned counsel has argued that the evidentiary value of the alleged confession made by the petitioner, particularly since it was recorded long after the occurrence, is highly suspect and cannot form the sole basis of his implication. It has been still further argued that as per the case of the prosecution itself, the petitioner is not alleged to have fired at the complainant; this specific role has been attributed to co-accused Sukhdev Singh alias Vicky.

4. Learned counsel has further submitted that since investigation is complete in the present case and the charge sheet has been filed, coupled with the fact that identically placed co-accused Sunil Kumar has also been granted bail by this Court on 15.01.2025, further incarceration of the petitioner would serve no useful purpose as the possibility of the trial concluding in the near future is extremely remote, given that none of the 23 prosecution witnesses have been examined till date.

5. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner nor the stage of the trial. It has also not been disputed that co-accused Sunil Kumar, who has since been extended the concession of bail, is identically placed as the petitioner. However, learned State counsel has drawn the attention of this Court to the allegations levelled in the FIR, which stands reproduced hereinbelow:

*“Statement of Saurav Kumar S/o Shashi Kumar R/o ward No.5 Mohalla Balmiki Sahnewal, old Sahnewal, age about 28 years mobile 62394-73379. Stated that I am resident of above mentioned address, on*

*10.12.2023 I was present at my shop 1 1 Sourav kiryana store Kanech Road old bazar Sahnewal, Ludhiana at about 9:30 PM I was arranging shop articles to close the shop than four unknown haircut boys came on two motorcycle they were having masks on their faces who asked cigarette and where is your father when they tried to forcibly drag me in the shop than I resisted they show pistol like thing to me I thought it was fake than they fired upon me with intention to kill me while resisting I dogged that's why the bullet crossed from the side due to which I escaped. When assailants see some persons coming from bazar side than two other accompish dragged them and ran away on their motorcycle along with their respective weapons and extending threats. That I consulted with my relatives came today to you at police station to inform you, you met me at Sahnewal Chowk, kindly legal action be taken against above said unknown persons.”*

6. Learned State counsel, upon a specific query, has not been able to refute the fact that no test identification parade was conducted in the present case and furthermore, the petitioner came to be nominated on the basis of a confession allegedly made by him before the police in another criminal case registered against him.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. The petitioner has been in custody since 26.02.2024; none of the 23 prosecution witnesses have been examined so far. Hence, the trial is unlikely to conclude in the near future. The petitioner was not named in the FIR and was subsequently implicated based on his own disclosure statement/confession recorded in another case. Furthermore, it is a case of no injury and even as per the case of the prosecution, the petitioner is not

alleged to have fired at the complainant.

9. In view of the totality of circumstances, including the duration of incarceration, absence of direct evidence and the fact that the trial is yet to commence in earnest, this Court deems it fit to extend the concession of bail to the petitioner.

10. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

11. The trial Court may impose any stringent conditions as it deems fit to ensure that the petitioner does not misuse the concession of bail.

12. 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.

**March 28<sup>th</sup>, 2025**  
*Puneet*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

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