

2025:PHHC:025804



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-4821-2025 (O&M)

Reserved on : 19.02.2025

Pronounced on : 21.02.2025

Sarbjit Singh @ Sabi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amit Arora, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 57 dated 08.07.2024, registered under Sections 109, 3(5) of Bharatiya Nyaya Sanhita, 2023 (*for short 'BNS'*) and Section 25 of the Arms Act, 1959 (offences under Section 61(2) of BNS and Sections 25(1)(1-B)(a), 29, 25(8), 27(1) of the Arms Act were added later on and offence under Section 3(5) of BNS was deleted) at Police Station Nurmehal, District Jalandhar.

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on the basis of the statement recorded by complainant Resham Singh on the allegations that in the morning of 08.07.2024, he was going towards his agricultural land on his tractor and when he was on the way, three bike riders came from behind and stopped his vehicle. The bike riders proclaimed that the complainant

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should not be spared and then one of them alighted from the vehicle. He pointed a pistol upon the complainant and fired a shot, which hit his left leg and he started bleeding. He raised clamour, on hearing which, the assailants fled away. He was rushed to hospital by his son-in-law Gurvinder Singh @ Sunnyand by stating that he could identify the assailants, prayed for taking action against the culprits. Initially, a case under Sections 109 and 3(5) of BNS and Section 25 of the Arms Act was registered. Offences under Sections 61(2) of BNS and Sections 25(1)(1-B)(a), 29, 25(8), 27(1) of the Arms Act were added later on and offence under Section 3(5) of BNS was deleted. During the course of investigation, co-accused Gurwinder Singh, who is son-in-law of the complainant, was nominated as accused in this case and was arrested on 14.07.2024. He suffered disclosure statement, thereby disclosing that the victim/complainant was not happy with his marital ties with his daughter and had been interfering in his matrimonial life, he was offended with the victim and had hatched a conspiracy to kill him and in pursuance of that conspiracy, the petitioner along with two other persons had fired shot upon the victim. The petitioner was also nominated as accused in this case. He was arrested on 14.07.2024 and suffered disclosure statement admitting his involvement in the subject crime. Co-accused were also arrested. Investigation has since been completed and challan has been presented.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the co-accused, which is not admissible in evidence against him. No injury has been attributed to him. He is alleged to be riding the aforesaid

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bike on which the assailants had come and is further alleged to have arranged a pistol. Investigation has been concluded and challan has been filed. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Co-accused Baljit Singh and Gurvinder Singh @ Sunny have already been granted concession of regular bail. On the grounds of parity, the petitioner too deserves the same benefit. Therefore, it has been urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report has been filed by the respondent-State. It has submitted therein and learned Assistant Advocate General, Punjab has opposed the prayer of the petitioner by submitting that there are serious allegations against the petitioner. He along with co-accused had fired shot upon the complainant, which hit on his leg. On the demarcation of the petitioner, one .32 bore pistol along with a magazine containing four live cartridges was recovered. Hence, it has been urged that the petition is liable to be dismissed.

5. This Court has heard learned counsel for the parties at considerable length and has also perused the material placed on record.

6. As per the allegations, the petitioner along with co-accused have fired shot at the complainant, when he was going towards his fields on 08.07.2024 on his tractor. The shot so fired had hit on his leg. As per the allegations, the incident had taken place in pursuance of a conspiracy hatched by Gurvinder Singh @ Sunny, who is son-in-law of the complainant as the complainant was not happy with the marriage of Gurvinder Singh @ Sunny with his daughter and was interfering in their matrimonial life. A

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perusal of the record reveals that co-accused Baljit Singh and Gurvinder Singh @ Sunny have already been granted concession of regular bail. The investigation has been concluded and challan has been presented. Obviously, the trial is likely to take time. The petitioner is in custody since 14.07.2024. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is directed to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. It is made clear that the observations made herein above are only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

21.02.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No