



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

210

CRM-M-6439-2025

Date of decision: 07.08.2025

Jagwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, who is one of the co-accused in case bearing FIR No.238 dated 12.09.2024 registered under Sections 109, 3(4), 351(2) of BNS, 2023, has prayed for grant of bail.

2. Relevant facts emerging from documents on record be noticed hereinbelow:-

Jagwinder Singh @ Jaggu son of Harbhajan Singh resident of House No.894, Ward No.6, Bhular Road, Gobind Nagar, Batala, a labourer, set the criminal law in motion by filing a complaint dated 12.09.2024, pointing therein that he alongwith his brother Lovepreet Singh and neighbour Sahilpreet Singh @ Shalu son of Dilbag Singh, were standing outside their house near the shop of Gurdeep Singh, where other young persons were also present. At about 3:00 p.m., Harpreet Singh @ Happy (A) and Sukh (A) along with 2 unknown persons arrived in white coloured Maruti car bearing No.PB-10-BF-6369, which was being driven by Harpreet Singh. Co-accused Sukh and 2 other unidentified persons were sitting on the rear seat. The car suddenly halted near them. Harpreet Singh (A) alighted from the same and



demanded Rs.25,000/- from Lovepreet Singh (brother of complainant). Denial of Lovepreet Singh was not taken kindly by Harpreet (A), who entered into verbal altercation. Sukh (A) and the 2 other unidentified persons also threatened Lovepreet Singh with dire consequences in case he did not give the money. After verbal altercation in which abuses were hurled at each other, Sukh (A) who was armed with a revolver suddenly fired a shot at Lovepreet (brother of complainant), which hit him (Lovepreet) on his chest. As people started gathering, the miscreants sped away. Arrangements were made and injured was rushed to the hospital. With this backdrop, complainant, the real brother of injured requested to catch hold of the assailants, as also to initiate appropriate criminal proceedings against them. On the basis of the said statement, a formal case vide FIR No.238 dated 12.09.2024 under Sections 109, 3(4), 351(2) of BNS was registered.

3. Learned counsel submitted that the petitioner has been falsely implicated in the present case. He was not named in the FIR and was arrayed as an accused on the basis of disclosure statement of co-accused Harpreet @ Happy, which is not admissible in evidence, moreso, when nothing incriminating was recovered at his (petitioner's) instance. Continuing further, learned counsel contended that gun shot injury suffered by injured Lovepreet is not attributed to the petitioner.

Taking his submissions further, learned counsel contended that the petitioner a young boy of 24 years of age, who has been in custody since 20.11.2024, investigation qua whom are complete, for challan has been filed and whose past antecedents are quite clean (being not involved in any other criminal case), deserves a lenient view to be taken in his favour as his further incarceration would not serve any useful purpose. Prayer was made to allow



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the application.

4. Learned State counsel filed the reply opposing the bail application on the ground that petitioner was in the know-how of the fact that an untoward incident might occur, for he accompanied the other accused only after he was made aware of the entire facts. Even, though petitioner was not named in the FIR but during the course of investigation, he was identified by complainant and injured Lovepreet. It was further submitted that in case petitioner is granted the concession of bail, there is every likelihood of him overawing complainant and related witnesses (who have till date not been examined) and fleeing from the process of justice by not appearing in the Court. Dismissal of the application was prayed for.

5. In view of the submissions advanced by learned counsel for the petitioner, the role attributed to the petitioner, who has been in custody since 20.11.2024 and investigation qua whom are complete, but without expressing opinion on the merits of the case, lenient view is taken in favour of the petitioner, who is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.



- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

6. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

7. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

07.08.2025

Hemant

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