



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

229

CRM-M-6697-2025

Date of decision: 6th March, 2025

Gagandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harjinder Singh, Advocate for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), 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.

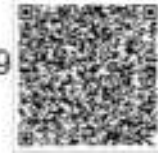
2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on the basis of the statement recorded by complainant Resham Singh on the allegations that in the morning of 08.07.2024, he was going towards his agricultural land on his tractor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



and stopped his vehicle. The bike riders proclaimed that the complainant 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 @ Sunny and 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.

3. 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 complainant and had hatched a conspiracy to kill him and in pursuance of that conspiracy, accused Gurwinder Singh hatched a conspiracy with the present petitioner and co-accused Sarabjit Singh @ Sabi and had fired shot upon the victim. The petitioner was also nominated as an accused. 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.

4. 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 bike on which the assailants had come. 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, Gurvinder Singh @ Sunny and Sarabjit Singh @ Sabi 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.

5. 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. Hence, it has been urged that the petition is liable to be dismissed.

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

7. As per the allegations, the accused Sarabjit @ Sabi along with the present petitioner and co-accused had fired a shot with a pistol upon the complainant on 08.07.2024 and had thereby injured his leg. Investigation has since been concluded. Challan has been presented. The co-accused Baljeet Singh, Gurwinder Singh and Sarabjit Singh @ Sabi have since been extended benefit of regular bail. Trial has commenced but 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.

8. 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.

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

[MANISHA BATRA]
JUDGE

6th March, 2025
Parveen Sharma

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