

CRM-M-8440-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8440-2025
Reserved on: 01.03.2025
Pronounced on: 07.03.2025

Amit Kumar alias Shanga ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sumit Dua, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
52	08.05.2019	Division No.5, District Jalandhar	323, 324, 341, 307, 148, 149 IPC and 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. As per paragraph 14 of the bail petition as well as para 19 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	47	03.04.2017	21 of NDPS Act	Division No.2, Jalandhar
2	271	30.08.2020	323, 324, 148, 149 IPC	Bawa Basti Khel, Jalandhar
3	128	20.10.2022	13/3/67 of Gambling Act	Division No.4, Jalandhar

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“4. That present FIR No. 52 dated 08.05.2019 Under Section 307, 323, 324, 341,148,149 of IPC 1860 and Section 25 of Arms Act 1959. (Section 201 IPC added later on) PS Division No.5, District Jalandhar on the statement of complainant Ashutosh Sharma against Dhanna Singh, Jashandeep Singh, Amandeep Singh i.e. Amit Kumar i.e. petitioner, Vassu, Ajju, Kali and 7-8 unknown persons wherein complainant has stated that on 30.04.2019 at about 6:30 p.m. he was going to Diamond Gym at Basti

CRM-M-8440-2025

Nau. When he reached at chowk near the gym, then Dhanna Singh, his son Jashandeep Singh, Amandeep Singh s/o Kala Singh, Amit Kumar @ Shanga i.e. petitioner, Vassu, Ajju and Kalli, along with 7-8 unidentified persons were standing there. They stopped him (complainant) and started beating him.

5. That complainant further stated that the petitioner Amit Kumar @ Shanga gave a kirpan blow, with an intention to kill him, on the back of his head. Kalli gave a kirpan blow, which hit on his left leg. Then all of them way-laid him on the ground and Jashandeep Singh gave a blow with a Takua, on his back. Dhanna and Amandeep gave blows with baseball bat and rod, on his knee and back. In the meantime his father came to his rescue.

6. That complainant further stated that then Vassu took out a country made pistol from his 'dab' and handed over the same to Ajju and asked him (Ajju) to shoot them. While Ajju was loading the pistol, his father scuffled with him and in the process a bullet fell on the ground. They raised alarm, where upon all the accused ran away from the spot as such complainant requested to take legal action against them."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

REASONING:

6. The petitioner was earlier granted anticipatory bail by this Court vide order dated 22.07.2020 passed in CRM-M-12103-2020, but thereafter he failed to appear before the trial Court on some dates, which lead to issuance of non-bailable warrants and he was arrested by the police and still in custody.

7. Per paragraph 8 of the bail petition, the petitioner has been in custody since 08.05.2024 and accordingly his custody is 10 months. The petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day.

8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds

CRM-M-8440-2025

to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.
13. The petitioner shall attend the Trial on every date and shall not seek any adjournment.
14. The concerned Judicial Magistrate/ Trial Court is authorized to delete, modify, or relax any of the conditions mentioned above and is competent to do so following the law.
15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

07.03.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No