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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.10661 of 2025
Date of Decision: 19.05.2025

Shubam Singh alias Shubamdeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Himani Arora, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
181	01.09.2017	Beas, District Amritsar Rural	307, 224, 225, 353, 186, 148, 149 and 120-B of IPC and 25 of Arms, Act, 1959

2. Brief facts relevant for the purpose of disposal of this petition are that on 01.09.2017, the present petitioner who was confined in Central Jail, Kapurthala was being taken to Amritsar to attend hearing of a case pending before the Court of Additional Sessions Judge,

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Amritsar. The complainant Sajjan Singh along with other police officials was taking him along with them by travelling in a PRTC bus destined for Amritsar. At about 11:45 AM when the bus reached at Village Rayya Bus Stop, two Swift cars reached there. Eight-ten persons alighted from the cars and entered inside the bus. They started quarreling with the police officials and started getting the petitioner released from their custody. When they were tried to be stopped, they opened fire with pistols which they were having with them. One of the bullet so fired hit right hand of ASI Sukhjinder Singh. Those persons while getting the petitioner released from custody managed to escape. FIR was registered on the statement of HC Sajjan Singh. Investigation proceedings were initiated. During investigation, the presence of the petitioner who had been apprehended in some other case and was lodged in Central Jail, Amritsar was secured by way of issuance of production warrants. He was formally arrested in the case. On interrogation, he suffered disclosure statement to the effect that he had sent his photograph to a gangster namely, Jaggu Bhagwanpuria who had sent the co-accused for getting him released from the custody on the fateful day. He disclosed names of all the accused who had got him released. They were nominated as such. The co-accused were also arrested. The investigation stands concluded and the petitioner is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been wrongly implicated in this case. He was behind the bars and on the fateful day, he was handcuffed during transit to Amritsar Courts and was in custody of the police. There is nothing on record to show that he was part of

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any conspiracy hatched by the co-accused who had got him released. He is in custody since long. The subject offences are not made out as against him. The trial is likely to take time to conclude. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. With these broad submissions, it is urged that he deserves to be released on bail in this case.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner who was very much part of the conspiracy hatched by the co-accused and it was in pursuance of that conspiracy that the co-accused got himself released from the custody of the police officials. Without his own participation in the crime, he would not have managed his escape. There are serious allegations against the petitioner. He is involved and is facing trial in several other cases which include cases of heinous crime including offence of attempt to murder and robbery etc. He is undergoing sentence in a NDPS case. There are chances of his committing similar offences and absconding if extended benefit of bail. Accordingly, it is stressed that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner by hatching a conspiracy with the co-accused, is alleged to have not only got himself released from custody of the police officials but one of such police officials namely, ASI Sukhjinder Singh had sustained injury at the hands of co-accused and the said injury which was sustained by him on his leg was obviously dangerous to life. A perusal of the

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custody certificate reveals that the petitioner has been involved in many other cases, most of which are of serious nature. As such, the apprehension expressed by the respondent that he may commit similar offences or may abscond cannot be stated to be unfounded at this stage. The trial is going on at a proper pace and a major number of the prosecution witnesses already stand examined. As such, there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the antecedents of the petitioner, the nature of the allegations levelled against him and the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petitioner does not deserve to be given concession of bail at this stage. Accordingly, the petition is dismissed.

19.05.2025
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(MANISHA BATRA)
JUDGE

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