



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13411-2025

Reserved on: 7th May, 2025

Pronounced on: 12th May, 2025

Baldev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Satnam Singh Thakur, Advocate for the petitioner.

Ms. Pooja Nayar Sharma, Deputy Advocate General, Punjab.

MANISHA BATRA, J :-

The instant one is the second petition for grant of regular bail as filed by the petitioner arising out of 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 Arms Act, 1959 (Section 61(2) of BNS added later on) at Police Station Nurmehal, District Jalandhar Rural. His previous petition bearing CRM-M-49267-2024 was dismissed as withdrawn vide order dated 28.11.2024.

2. As per the allegations, on 08.07.2024, the complainant Resham Singh was going towards his agricultural land while riding on his tractor and when he was on his way, three youths riding on a motor bike came from behind and stopped his tractor. They raised *lalkara* by saying that they would not leave the complainant. They alighted from their vehicle and fired



a shot with a pistol with the intention of killing him. His left leg and thigh were injured. He raised clamour and then the assailants fled away. He was rushed to hospital. By alleging that he could identify the assailants, he prayed for taking action. On his statement, the aforementioned FIR was registered. Investigation proceedings were initiated. During investigation, a secret information was received that the accused Gurvinder Singh @ Sunny who is son-in-law of the complainant, had hired three persons to eliminate the complainant. Accused Gurvinder Singh was nominated as an accused and was arrested on 14.07.2024. He suffered disclosure statement to the effect that since the complainant, who was his father-in-law was not happy with his matrimonial alliance with his daughter and used to interfere in their matrimonial life, he had hatched a conspiracy with his uncle i.e. co-accused Sarabjit Singh, who along with two persons had committed the offence. The above said Sarabjit Singh was arrested on 14.07.2024. He too suffered disclosure statement admitting his involvement in the crime and also took the names of the present petitioner and co-accused Gagandeep Singh, Baljeet Singh and Resham Singh. They were nominated as such. The petitioner was also arrested on the same day. The petitioner and co-accused suffered disclosure statements to the effect that petitioner had fired a shot upon the complainant on the fateful day. The pistol used in the commission of the crime was recovered at the instance of the petitioner. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of



the co-accused which cannot be considered to be admissible in evidence. He was neither named in the FIR nor any specific overt act has been attributed to him. He had no motive to make any attempt to kill the victim. He is in custody since long. Trial is likely to take considerable time to conclude. His further incarceration would not serve any useful purpose. Co-accused Gurvinder Singh has been extended benefit of bail. On parity, he too deserves to be given the same benefit. Accordingly, it is urged that the petition deserves to be allowed.

4. Status report and custody certificate have been filed by respondent-State. Learned Deputy Advocate General, Punjab, has argued that there are serious allegations against the petitioner. He is involved in one more case under the NDPS Act. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. In pursuance of a conspiracy hatched by the accused Gurvinder Singh with the petitioner and co-accused, the petitioner is alleged to have fired a shot with a pistol upon the complainant on the fateful day thereby injuring his left leg and thigh. Co-accused Gurvinder Singh, who is claimed to be master mind of the crime has been extended benefit of bail. That apart, two more accused namely Deepak and Baljeet have also been extended the same benefit. The petitioner is in custody since 17.07.2024. Trial will take time as no prosecution witness has been examined so far. The involvement of the petitioner in another case cannot be considered to be a sole criteria for



denying benefit of bail to him. It is well settled proposition of law that bail is the rule and jail is an exception. Taking into consideration the above discussed facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

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

[MANISHA BATRA]
JUDGE

12th May, 2025
Parveen Sharma

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