IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

242 **CRM-M-14762-2025**
Date of decision: 13th May, 2025

Harmanpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

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

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MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 152 dated 19.06.2024 registered under Sections 307, 506, 34, 427 and 201 of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Gharinda, District Amritsar Rural.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant Wazir Singh alleging that on 17.06.2024, the petitioner and the co-accused Gursewak Singh had taken some articles from his shop for the purpose of some bhog ceremony. The rent was fixed at the rate of Rs. 27,000/-. An Amount of Rs. 11,000/- was paid by the accused Gursewak Singh. The petitioner and co-accused did not give the outstanding amount of Rs. 16,000/- at the time of return of articles and had given a

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cheque of that amount. The complainant had refused to accept the same and a verbal altercation had taken place between them. On the intervening night of 18/19.06.2024, the petitioner and co-accused Gursewak Singh came to the house of the complainant. Accused Gursewak Singh started firing shots with firearms. Two shots hit the glass of window of the kitchen and one bullet hit the right arm of his wife, who was working in the kitchen. On clamour being raised by them, the assailants fled from the spot. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested and is in custody since 11.11.2024. The co-accused was also arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No injury has been attributed to him. Infact, the dispute between the parties was monetary and has been given a colour of criminal litigation. Trial would take considerable time to conclude. He has no criminal antecedents. His further incarceration would not serve any useful purpose. Accordingly, it is urged that he deserves to be released on bail.

4. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner and therefore, he does not deserve to be extended benefit of bail.

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

6. The allegations against the petitioner and the co-accused are that they had a verbal altercation with the complainant and then on the night of 18/19.06.2024, they had come outside the house of the complainant,

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damaged his property and had caused firearm injuries to the wife of the complainant. The firearm injury has, however, been attributed to co-accused Gursewak and not to the petitioner. Investigation stands concluded. Trial is likely to take time. The petitioner has clean antecedents. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts but without meaning to make any comment on the merits of the case lest they prejudice the case of either of the parties, 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

13th May, 2025
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No

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