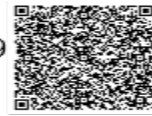


**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

2025:PHHC:066829



234

**CRM-M-15907-2025
Date of decision:19.05.2025**

Manga Masih & another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajesh Kapila, Advocate for the petitioners.

Ms. Pooja Nayar Sharma, DAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners seeking grant of regular bail in case bearing FIR No. 136 dated 23.10.2024 registered under Sections 109, 111, 308(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 111(5), 112 of BNS have been added subsequently) and Section 25 of Arms Act, 1959 at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement got recorded by the complainant Randeep Singh, alleging therein that on 23.10.2024, he along with his assistant Akash was present in his medical store, when one youth reached there and gave him a signal to come to him and when the complainant reached near him, he took out a pistol and

fired a shot towards the complainant thereby injuring his left thigh. The complainant raised a clamour and on hearing the same, his brother rushed for his rescue and then the assailants fled away. After registration of FIR, investigation proceedings were initiated. During investigation, a secret information was received that the accused Anmoldeep Singh was the person who had made an attempt to murder the victim and after the occurrence, co-accused Manjit Kaur, who is mother of the above said accused along with her husband had provided shelter and motor bike to the accused and they were fully aware about the incident. Offence under Section 111(5) of BNS was added. Subsequently, accused - Jobanpreet was also arrested. He suffered a disclosure statement on the basis of which the petitioners were nominated as accused. Petitioner No.2 - Mandeep @ Amandeep was arrested on 07.01.2025 whereas petitioner No.1 – Manga Masih, who is husband of petitioner No.2 was arrested on 10.12.2024. They moved applications for grant of bail which have been dismissed by the Court of learned Additional Sessions Judge, Gurdaspur vide order dated 10.03.2025.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. They are in custody since long. The challan stands presented and the trial would take considerable time to conclude. Co-accused, who were on similar footings have been extended benefit of anticipatory bail. On parity, they too deserve to be given the same benefit. With these broad submissions, it is urged that the petition deserves to be allowed and they are entitled to be released on bail.

4. Per contra, learned Deputy Advocate General, Punjab has placed on record custody certificates of both the petitioners and has

vehemently argued that keeping in view the gravity of allegations as levelled against the petitioners, they do not deserve to be extended benefit of bail as they had harboured the co-accused - Jobanpreet, who had made an attempt to kill the complainant by firing a shot with a fire-arm upon him and had been trying to extort money from the complainant. It is argued that there are chances of petitioner's intimidating the witnesses or absconding, if extended benefit of bail. Accordingly, it is stressed 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. The petitioners, are alleged to have harboured the co-accused - Jobanpreet Singh by giving him shelter at their house after he had made an attempt to murder the complainant. Petitioner No.1, namely, Manga Masih is in custody since 10.12.2024 and petitioner No.2, namely, Mandeep Kaur is in custody since 07.01.2025. Investigation now stands completed and the trial would take time to conclude. Their further incarceration would not serve any useful purpose. Co-accused, who are also alleged to have harboured the other accused have been extended the benefit of bail. On parity, keeping in view the nature of the allegations, the period spent by them in custody and further considering the well settled preposition of law to the effect that the bail is the rule and jail is an exception, this Court is of the opinion that the petitioners deserve to be released on bail. Accordingly, the petition is allowed and the petitioners are ordered to be admitted on bail subject to their furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. It is, however, clarified that nothing stated above shall have any bearing on merits of the case.
8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

19.05.2025

harjeet

(MANISHA BATRA)
JUDGE

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