

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:081768



232

CRM-M-17796-2025
Date of decision:08.07.2025

Sukhpreet Singh @ Sukh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.C. Sharma, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, 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 petitioner seeking grant of regular bail in case bearing FIR No.116 dated 12.10.2021 registered under Sections 307, 394, 397, 386, 323, 34 IPC at Police Station Lohian, District Jalandhar (Rural).

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Gurnam Singh alleging that on 12.10.2021, he had gone to his house after working in his cement pipe factory. At about 9:30 p.m., he received a call from the labourers of his factory that two youths had entered inside the factory, one of whom was armed with a pistol and had demanded whatever he was having with them and on their refusal, had fired a shot with a pistol thereby causing injury on

the head of labourer Manish Warla. They had taken away cash amount of Rs.15,000/- and his phone and then escaped. On hearing so, the complainant rushed at the spot and took the victim Manish Warla to hospital. He was also informed that the assailants had come on a motorbike bearing registration No.PB-08-EP-6269 of splendor make. After registration of the FIR, investigation proceedings were initiated. It was revealed that the motorcycle belonged to the present petitioner and his brother. They were nominated as accused. Accused Karanvir Singh died on 30.11.2022. The petitioner could not be apprehended. Proceedings for declaring him as a proclaimed person were initiated and he was declared to be so vide order dated 27.03.2023 passed by the trial Magistrate.

3. The petitioner was arrested on 22.03.2024. He suffered disclosure statement admitting his involvement in the crime and also took the name of co-accused – Akashdeep Singh @ Moosa. He also disclosed that .32 bore pistol used by him in commission of subject offence had been recovered by police in another case bearing FIR No.28, dated 23.02.2024 registered at Police Station Shahkot, Jalandhar. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 24.03.2024. The trial will take considerable time to conclude. His involvement in other cases cannot be considered to be a ground for denying benefit of bail to him. His further incarceration would not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

5. Status report has been filed. It is argued by learned State

counsel that there are serious and specific allegations against the petitioner, who is a habitual offender and against whom three cases under the provisions of NDPS Act and one case under different provisions of IPC have been registered. He had fired two shots with a pistol on the person of victim Manish Warla and the pellets had hit the victim. There are chances of his absconding and committing similar offences if extended benefit of bail. It is therefore, argued that he does not deserve to be released on bail.

6. This Court has heard the rival submissions made by learned counsel for the parties carefully.

7. The petitioner is alleged to have entered inside the factory of the complainant with an intention to commit offence of robbery/dacoity and is further alleged to have opened a fire with a firearm upon the labourer of the complainant thereby injuring one of them and is further alleged to have extorted/looted money from them. The injury which had been sustained by the victim – Manish Warla have not specifically been opined to be firearm injuries and report of forensic expert is awaited. The petitioner is in custody since 22.03.2024. The trial will take time to conclude. He cannot be denied the benefit of bail due to the reason that he is involved in some other cases. It is well settled proposition of law that bail is the rule and the jail is an exception.

8. Keeping in view the above discussed facts, this Court is of the considered opinion that the petitioner deserves to be released on bail at this stage. Accordingly the petition is allowed and he is ordered to be admitted to bail subject to his furnishing personal/surety bonds to the extent of two sureties to the satisfaction of learned trial Court/learned Chief Judicial

Magistrate/Duty Magistrate concerned. He shall appear before the concerned Police Station once on the first Monday of every month. He shall not leave the country and shall not contact with the witnesses.

This order shall come into force from the time it is uploaded on this Court's official webpage.

08.07.2025

harjeet

(MANISHA BATRA)
JUDGE

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