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

CRM-M-16996-2025

Date of Decision: 02.04.2025

Gurjinder Singh @ Gagan

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.107 dated 05.11.2024 registered under Sections 109, 3(5) of BNS read with Section 25 of Arms Act, (later on enhanced offence under Sections 308(5)/238 of BNS, at Police Station Sadar Gurdaspur, District Gurdaspur.

2. The FIR in the present case was registered on the basis of the statement made by Harinder Singh son of Harbhajan Singh and the same has been reproduced below:-

“Statement of Harinder Singh S/o Harbhajan Singh resident of village Rajpura, Police Station Sadar Gurdaspur, District Gurdaspur, aged about 48 years, mobile number 9819460020, Stated that I am a resident of the abovementioned address and working as a teacher in the Punjab Education Department and posted at Bhagtana Boharwala. I am running my shop of

commission agent at Focal Point, Ghajnipur under the name and style as M/s Goraya Commission shop. Today on 05.11.2024 at about 05:30 PM, I was standing in front of my shop, in the meanwhile two young boys covered their faces with black clothes came on their motorcycle and started firing on me. I ran away and saved my life. I can identify these boys when they come in front of me. Legal action should be taken against him. Sd/- Harinder Singh Signature Punjabi identify sd/- Jeevan Singh ASI Incharge Police Post Jaura Chhatra Police Station Sadar Gurdaspur Dated 05-11-2024.”

3. Learned counsel for the petitioner contends that the petitioner was neither present at the place of occurrence nor had any connection with the crime. In fact, it has been falsely alleged that the petitioner had provided the weapons to the main accused in the present case and no other role has been assigned to him. The petitioner was arrested in the present case on 30.11.2024 and is in custody since then. After presenting the challan, charge has been framed against the petitioner on 01.03.2025 and out of total 17 witnesses, no witness has been examined so far. Learned counsel for the petitioner has further referred to the order (Annexure P-2), whereby the co-accused, Captain Singh @ Kaptain Singh has been granted the concession of bail by the Court of Juvenile Justice Board, Gurdaspur on 18.01.2025. Learned counsel further submits that since no prosecution witness has been examined so far, there are no chances of early conclusion of the trial.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that

two more FIRs have been ordered to be registered against the present petitioner and he is a habitual offender.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the petitioner was arrested on 30.11.2024 and is stated to be in custody for the last more than 04 months. The prosecution has not been able to examine even a single witness so far and the trial is not likely to conclude in near future.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the

pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.

02.04.2025

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(N.S.SHEKHAWAT)
JUDGE

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