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

**CRM-M No.17997 of 2025
Date of decision : 21.08.2025**

Banwari**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Puneet Pali, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.38, dated 28.02.2024, under Sections 307, 353, 186, 34 of IPC, 1860 and Sections 25-54-59 of Arms Act, registered at Police Station Balongi, Tehsil Kharar, District SAS Nagar, Mohali.

2. Succinctly the facts of the case are that the police party, while on patrolling on 28.02.2024, received a secret information to the effect that 03 shooters, who had fired in Hoshiarpur on 11.02.2024, in which one of them was Banwari Pal (petitioner) and the names of others were unknown, they were present in the area of Chappar Chiri and armed with illegal pistols. If the raid is conducted, they could be arrested along with



the weapons. On receiving the secret information, the police party raided at the place disclosed and 02 persons coming on the motorcycle were seen. On seeing the police, the pillion rider started firing back on the police. The police party also started firing and the person riding pillion fell down. However, he escaped and the person riding the motorcycle could be nabbed. On asking, he disclosed his name to be Banwari Pal (petitioner). Thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The petitioner approached the Court of learned Additional Sessions Judge, SAS Nagar praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, SAS Nagar declined the bail application filed by the petitioner vide order dated 22.10.2024. Being aggrieved, the petitioner earlier approached this Court twice by way of filing CRM-M-49109-2024 and CRM-M-62659-2024, however the same were dismissed vide orders dated 04.10.2024 and 18.12.2024. Hence being aggrieved, the petitioner is again before this Court by way of filing the present third petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been roped in the present case on the basis of false and frivolous allegations. He has submitted that the allegations made are without any basis. He has submitted that no one is injured in the present case, though the allegations regarding firing by the petitioner side has been made up. He has submitted that the petitioner was intentionally hit by the police by fire arm injury only to implicate him in a false case. He



has submitted that the petitioner is behind bars since the date of his arrest, i.e. 28.02.2024 and has completed incarceration of about 1 ½ years, however there is no progress in the trial whereas all the witnesses are police officials. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that there was a specific secret information about the petitioner and before being arrested in the present FIR, they have earlier fired in Hoshiarpur. He has submitted that the petitioner was arrested along with the weapon at the spot. He has submitted that the co-accused is yet to be arrested. He, on instructions, has submitted that out of 20 prosecution witnesses, no witness has been examined so far. He has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 28.02.2024. Though the allegations of firing are there but no one was injured at the behest of the petitioner, rather it is the petitioner, who had suffered a fire arm injury. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 05 months and 09 days as on 20.08.2025. Custody Certificate further shows that the petitioner is involved in one more case. Out of 20 prosecution witnesses, no witness has been examined till date.



7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

21.08.2025
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(RAJESH BHARDWAJ)
JUDGE

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