

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

2025:PHHC:126485

**CRM-M-23978-2025 (O&M)****Reserved on : 05.09.2025****Pronounced on : 15.09.2025****Deepak Kumar @ Budhanwalia****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Gurmej Singh Bhinder, Advocate
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for for grant of regular bail to him in case bearing FIR No. 68 dated 14.07.2024, registered under Sections 109, 132, 221 and 3(5) of BNS, 2023 and Section 25 of the Arms Act, 1959 at Police Station Banur, District Patiala. The previous petition was dismissed as withdrawn on 04.03.2025.

2. Brief facts relevant for the purpose of disposal of this petition are that on 14.07.2024, on receipt of an information that on the previous night, some unidentified person had opened fire at a wine shop situated at Rajpur bypass and had fled towards Zirakpur-Chandigarh side, a police party headed by Inspector Gursewak Singh, had commenced search operation in Banur area. While proceeding towards Ganda Nala Colony, a white car was found coming from village Kaloli side. Inspector Gursewak Singh gave a signal to the driver of that car to stop the vehicle but instead of doing so, he accelerated

the speed and eventually rammed into the govt. vehicle of the complainant. Two persons alighted from the said car and started indiscriminately firing at the police officials while fleeing in opposite direction. The police officials warned them and asked them to cease firing and surrender but to no effect and then the police officials, in exercise of their right to private defence, retaliated by firing shots and during exchange of fire, one bullet hit right leg of one of them causing him to fall. Both of them were apprehended. They disclosed their names as 'Deepak @ Deepak Budhanwalia' i.e. the present petitioner and as 'Ramandeep Singh Brar'. Recovery of one country made pistol with four live cartridges was effected from the possession of the petitioner, whereas one .32 bore revolved containing two live cartridges and four empty shells was recovered from the vehicle. The petitioner, who had sustained fire arm injury, was taken to hospital and was provided treatment. He was formally arrested subsequently. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. A false recovery has been planted upon him. It is a case of no injury to any member of the police party. The trial will take considerable time to conclude since even charges have not been framed so far. More so, at the time of occurrence, he had sustained fire arm injury on right thigh. He had been operated for commuted fracture of right distal femur and implants had been fixed. He is in critical condition as he is having continuous pain in his right thigh and is unable to put full weight on his right leg. He has been advised symptomatic

treatment and further operative intervention which is not provided to him in jail, leading to worsening of his condition. His involvement in other cases cannot be considered to be a ground to deny him the benefit of bail. His further incarceration would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. *Per contra*, while refuting the contention as raised by learned counsel for the petitioner, it is argued by learned State counsel that there are serious and specific allegations against the petitioner. He along with the co-accused had made attempts to kill the police officials by firing shots upon them. He is a member of an organized gang and recovery of fire arms had been effected from him. There are chances of his absconding and committing similar offences, if released on bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. As per the allegations, the petitioner by being a member of an organized crime syndicate had caused obstruction in discharge of public duty of the police officials and had used criminal force upon them by firing shots with the fire arms, which he and the co-accused were carrying and had opened fire upon them, thereby had made attempts to kill them. However, it is a case of no injury to any member of the police party. Rather, he himself is shown to have sustained two fire arm injuries and is still under treatment. It is only on the basis of thorough assessment of the evidence produced during trial that it can be determined that the petitioner is actually any member of organized

crime syndicate or not. He is in custody since 01.08.2024 barring period of interim bail. The investigation has been concluded but trial will take time to conclude since even charges have not been framed against him. The involvement of the petitioner in other cases cannot be considered to be a ground for denying benefit of bail to him. Out of the seven FIRs registered against him, he is shown to have secured acquittal in three of them, one is stated to have been compromised, whereas he is on bail in two of such cases. The co-accused, whose case is on similar footing, had been extended benefit of bail. Keeping in view the period spent by the petitioner in custody, his medical condition and the above discussed facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

15.09.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No