

2025:PHHC:087244



228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24220-2025

Date of Decision: 17.07.2025

Harmesh Singh (@Messi)

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raman Kumar, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present 3rd petition praying for grant of regular bail in case FIR No.170 dated 08.10.2024 under Sections 109/115(2)/191(3)/190 of BNS and Section 25 of the Arms Act, 1959 registered at Police Station Sidhwan Bet, District Ludhiana Rural.

2. Succinctly, facts of the case are that the FIR has been lodged on the basis of the statement of the complainant Balvir Singh. It was alleged that on 08.10.2024 at about 09:30 pm, when he was returning to his house then Gurdeep Singh, Sandeep Singh @ Goli, Ghuggi, Harmesh Singh @ Messi (petitioner), Kuldeep Singh, Gora, Suraj along with two unknown persons came there on three different motorcycles and they started beating him. Sandeep Singh @ Goli was armed with pistol and he fired from the same in the abdominal of the complainant, on which he fell down. The petitioner Harmesh Singh @ Messi was also with all the assailants on motorcycles. Request was made to take legal action against the accused persons. On registration of the

FIR, the investigation was commenced. During the investigation, petitioner was arrested on 08.10.2024. The petitioner approached the Court of learned Additional Sessions Judge, Ludhiana praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 19.11.2024. Thereafter, he approached this Court by way of filing petitions bearing CRM-M-63855-2024 (Annexure P-3) and CRM-M-8421-2025 (Annexure P-4), however, the same were dismissed as withdrawn on 08.01.2025 and 19.02.2025, respectively. Hence, he has approached this Court praying for grant of bail by way of filing the present third petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that the petitioner has no criminal antecedents. He submits that even otherwise from the bare perusal of the FIR, the petitioner has not been attributed any specific role except being part of the unlawful assembly. He submits that injury as alleged under Section 109 of BNS is not attributed to the petitioner. He submits that the petitioner is behind bars since the date of his arrest i.e. 08.10.2024. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the petitioner along with co-accused was part of the unlawful assembly. One of the co-accused had fired upon the complainant with firearm weapon. He submits that charges have been framed, however, out of total 13 prosecution witnesses, no witness has been examined so far. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was allegedly part of the unlawful assembly. Injury under Section 109 of BNS has been attributed to co-accused and not to the petitioner. The custody certificate would reflect that the petitioner has suffered incarceration of 09 months & 06 days as on 16.07.2025. It further reflects that the petitioner has no criminal antecedents. Out of total 13 prosecution witnesses, no witness has been examined.

6. The veracity of the allegations and counter 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. 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.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

17.07.2025

Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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