

2025:PHHC:056567



226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37634-2024
Date of Decision: 01.05.2025

Simranpreet Singh (@ Simran Singh) ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Viren Sibal, Advocate (Through V.C.) and
Mr. Satyam Sharda, Advocate and
Mr. Harchand Singh Batth, Advocate
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Mr. Mandeep Kaushik, Advocate
for the complainant (Through V.C.).

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.85 dated 22.09.2023 under Sections 307/341/148/149 of IPC, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Jodhan, District Ludhiana.

2. Succinctly, facts of the case are that the FIR has been lodged on the basis of the statement of the complainant Balwinder Singh. It was alleged that on 22.09.2023, his son namely Inderjit Singh was coming home and when he reached near Aare Wala Chowk, the complainant was walking on the road outside of his house. At about 09:00 pm, he saw that his son was traveling in a Baleno car and some persons riding on two motorcycles were following him and they surrounded the car of his son and shot 3-4 fires from rear side with

the intention to kill his son. The bullet breaking glass of the car, hit at the back of his son and he was shifted at DMC Hospital, Ludhiana. He alleged that he knew all the assailants, who were namely Gurpreet Singh @ Guri, Simran Singh @ Rangar (petitioner), Jagjit Singh @ Jita, Narinder Singh @ Harry and Jagdeep Singh. He alleged that his son had been fired upon by the assailants with the intention to kill and thus, FIR be registered and legal action be taken against the culprits. On registration of the FIR, the investigation was commenced and the petitioner was arrested on 21.03.2024. On conclusion of the investigation, the challan was presented and on framing of charges, the trial commenced. 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 20.07.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present 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 further submits that from the bare reading of the FIR it is apparent that the complainant has named five accused without their being any evidence regarding the identification of the accused. He further submits that the injured-Inderjit Singh has a criminal background as he has been involved in 05 cases and thus, he must be having enmity with number of persons. He further submits that now there are five accused out of which four are already on bail and it is the petitioner, who is behind the bars since 21.03.2024. He further submits that the investigation is complete and charges have been framed and the injured and eyewitness have also been examined by the trial Court. Thus, there is no apprehension that the petitioner can influence the

injured and complainant. He further submits that the petitioner has no criminal antecedents. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted bail.

4. Per contra, learned counsel for the complainant has opposed the submissions made by the counsel for the petitioner. He submits that it is the petitioner, who has fired upon the injured and the bullet could not even be extracted from the body of the injured. Keeping in view, the gravity of the offence as well as seriousness of the injuries, he can suffered on extraction, the petitioner does not deserve the concession of bail and the present petition may be dismissed.

5. Learned State counsel has also opposed the submissions made by counsel for the petitioner and he has drawn the attention of this Court to the status report filed. He has submitted that during the investigation, it has been found that the petitioner has fired upon the injured (son of the complainant). On instructions from SI/SHO, Sahibmeet Singh, learned State counsel submits that out of total 25 prosecution witnesses, only 04 witnesses have been examined including the complainant and injured. He has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is one out of the total five accused, who are already on bail. The material witnesses i.e. the complainant and the injured already stands examined. The custody certificate would reflect that the petitioner has suffered incarceration of 01 year, 01 month & 07 days as on 30.04.2025. It further reflects that the petitioner has no criminal antecedents.

7. 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.

8. 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.

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

01.05.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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