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

CRM-M-38043-2025

Date of Decision:31.07.2025

HARPAL SINGH

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

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

Present : Mr. Vikram Satpal Anand, Advocate
for the petitioner.

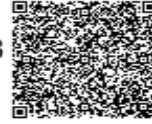
Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 BNSS with a prayer to grant regular bail to him in case FIR No.270 dated 08.11.2022, registered under Sections 307, 148, 149 IPC 1860, Section 25, 27 Arms Act 1959 (Challan presented under Sections 307, 34 IPC and Section 25 Arms Act 1959), Police Station Chhehratta, District Amritsar.

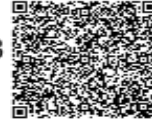
2. The FIR in the present case was registered on the basis of the statement made by Gurpreet Singh @ Tehla and the same has been reproduced below:-

“Statement of Gurpreet Singh @ Tehla s/o Ajit Singh, r/o Street no.05, Arjan Nagar Brick Kiln, Chheharta, aged about 28 years, 98764-76738. Stated that I am resident of abovesaid address and I am running a social welfare institution under the



name and style of Shri Hargobind Sarab Hit Sewa Society, Bhupinder Singh son of Gurbhej Singh, resident of 40 Foota Market Gali, Peera Wali Naraingarh, Chheharta is my known. Yesterday on 7-11-2022 at about 11 p.m., I went to meet my friend Bhupinder Singh @ Bhinda at his house, where friend of Bhupinder Singh @ Bhinda namely Dev had come to meet him. I and Bhupinder Singh @ Bhinda and dev were talking with each other while standing outside the house of Bhupinder Singh @ Bhinda. Then from the main road side, 4 persons came on one car and 2 motorcycles. Among them, Harpal Singh son of Surjit Singh, resident of Baba Deep Singh Colony, Chheharta alongwith three more persons came out. I know Harpal Singh earlier, they while coming, Harpal Singh started firing shots with his pistol with an intention to kill, one of bullet entered my right elbow and exit from shoulder side. During this, un-identified persons came with Harpal Singh started throwing bricks and stones. Due to bullet injury, blood started oozing from my right arm. I raised alarm mar ditta mar ditta. Harpal Singh alongwith his companions ran away from the spot in their vehicles. Motive is this that 3/4 days back, a quarrel took place between Harpal Singh and Bhupinder Singh @ Bhinda, in which Harpal Singh was insulted a lot. Harpal Singh in order to take revenge of his insult, in connivance with his companions caused injuries to me by firing shots at us with an intention to kill. Bhupinder Singh @ Bhinda got me admitted at Amandeep Hospital ASIr where I am under treatment. Legal action may kindly be taken against accused persons. Statement is recorded, heard and is correct. Sd/- Gurpreet Singh.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case due to previous enmity between the parties. As per the prosecution, the petitioner had fired a shot from his pistol, which had hit on the right elbow of the complainant. He has referred to the medical report Annexure R-1 to contend that the said injury has been declared



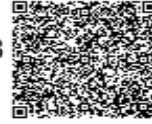
to be simple in nature and not life threatening. The petitioner was arrested in the present case on 22.11.2023 and is in custody for the last more than 01 year and 08 months. Learned counsel further contends that the challan has been presented against the petitioner but the prosecution has not been able to examine even a single witness so far.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 09 more cases were ordered to be registered against the present petitioner and he does not deserve the concession of bail by this Court. He has also filed a short reply by way of an affidavit of Assistant Commissioner of Police, West, Amritsar on behalf of the respondent-State and the same is taken on record.

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

6. In the present case, the only allegation against the petitioner is that he had fired a shot from his pistol, which had hit on the right elbow of the injured. However, the said injury is described as a puncture wound on right elbow and right scapular region post, which has been declared to be simple in nature. At this stage, when the prosecution has not been able to examine even a single witness, it would be inappropriate to keep the petitioner behind the bars. Thus, the further custody of the petitioner will not serve any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved 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.*

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

31.07.2025

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(N.S. SHEKHAWAT)

JUDGE

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