

CRM-M-43890-2025

2025:PHHC:126666



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

CRM-M-43890-2025

Date of decision: September 15, 2025

Gurpreet Singh @ Goldy

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.256 dated 05.11.2024, registered for the offences punishable under Sections 103, 61(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 25, 27 of the Arms Act, 1959, at Police Station Sadar Ferozepur, District Ferozepur.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Raj Kumar alleged that on 23.10.2024, a quarrel had taken place between him and Arjan @ Ajju, Desa and Resham @ Chitti, among others. However, with the intervention of villagers, a compromise was reached, though the accused continued to harbor a grudge. On 05.11.2024 at about 11:20 a.m., the complainant, along with his sons Ravi

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and Manpreet, was present at his house when Raman Chaudhary, Aman Chaudhary, Vishal, Goldy (petitioner), and Arsh arrived in a Swift Dzire car (bearing registration No. PB05AH-4529) and entered the house of Arjan @ Ajjju, where they stayed for some time. While returning, when the complainant and his sons Ravi and Manpreet Singh were standing at the corner of the street, Aman Chaudhary pulled out a pistol from the car and, without provocation, fired shots at his son Ravi, hitting him below the abdomen. Upon raising alarm, two unidentified persons also appeared on motorcycles and threatened that Ravi would not be spared. However, as people gathered at the spot, all the assailants fled. Ravi was rushed to Bangar Hospital, Ferozepur City, where he was declared dead. The complainant alleged that the shots were fired at the instance of Arjan @ Ajjju, Desa and Resham @ Chitti, etc., due to old enmity.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 08.11.2024. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question on account of his being relative of the co-accused, namely, Aman Chaudhary, who is stated to have fired fatal shot. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, the petitioner has only been ascribed role of being present at the spot along with the co-accused, but no specific overt act has been attributed to him. Learned counsel has also iterated that the petitioner has suffered incarceration of more than 09 months. Thus, regular bail is prayed for.

4. Learned State counsel has placed on record the custody certificate dated 13.09.2025 and status report by way of an affidavit dated

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08.09.2025 of Sukhwinder Singh, PPS, Deputy Superintendent of Police (City), Ferozepur, District Ferozepur, in the Court today, which are taken on record. Raising submissions in tandem with the said status report, learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, hence, he ought not to be extended concession of regular bail.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 08.11.2024, whereinafter, the investigation was carried out and the challan has been presented on 05.02.2025. It is not in dispute that total 21 prosecution witnesses have been cited, but none has been examined till date. It is thus, indubitable that conclusion of the trial will take long time. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 13.09.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 09 months and 29 days. Further, as per the said custody certificate the petitioner is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant

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of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*, a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM /Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

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8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/ Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 15, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No