

2025:PHHC:107699



CRM-M-43831-2025

234

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43831-2025

Date of decision: August 19, 2025

Mandeep Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Jasjit Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.45 dated 14.04.2025, registered under Sections 109/ 115(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 25/ 54/ 59A of the Arms Act, 1959 (for short 'Arms Act'), at Police Station Sultanwind, Amritsar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

“Statement of Gurwinder Singh son of Mahinder Singh, resident of Patti Baba Jeewan Singh, near Mata Rani Mandir, Village Sultanwind, Amritsar, aged about 37 years, Mobile NO.96999-44468. Stated that I am resident of said address and do labour work. My younger brother Satnam Singh @ Sajjan, aged about 30 years, who drives an e-rickshaw. On 13-04-2025, he had gone to the city to drive an e-rickshaw as usual. It must have been around 3:00 in the afternoon, I was going to the market to buy some goods from my house. When I reached near the turn of Jats' mariyanwala, I saw two unknown young boys with a motorcycle beating

2025:PHHC:107699



CRM-M-43831-2025

up my brother Satnam Singh alias Sajjan. Seeing my brother Satnam Singh alias Sajjan being beaten up. I got scared and shouted, "killed-killed" Then, in front of me, one of these young men took out a pistol from his waist and fired at my brother Satnam Singh alias Sajjan with the intention to kill him. The bullet from the pistol hit my brother Satnam Singh alias Sajjan in the waist. Due to the bullet injury, he fell on the ground covered in blood and these two young boys shot my brother Satnam Singh alias Sajjan and beat him up, injured him and abused him and took their motorcycle along with the pistol and fled from the spot. I could not read the make and number of the motorcycle of these said youths. After finding out about which and verifying the names and addresses of the accused, I will tell you later. After arranging for a vehicle, my brother Satnam Singh alias Sajjan was first admitted to the Civil Hospital, Amritsar in an injured condition. The doctor referred Satnam Singh alias Sajjan to Shri Guru Nanak Dev Hospital. I will get the MLR of my brother Satnam Singh alias Sajjan later and present it to you. The above two unidentified young boys riding a motorcycle have done a very wrong thing with us by shooting my brother Satnam Singh alias Sajjan with a pistol and beating him up. Justice be done with me by taking necessary legal action against them. I have got recorded my statement, read over, which is correct."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 15.04.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that assuming *arguendo*, the prosecution version is taken to be correct, the role ascribed to the present petitioner is of accompanying the co-accused, namely, Baljit Singh @ Babloo, who is stated to have fired upon the injured. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 19.08.2025 in the Court today, which is taken on record.

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

2025:PHHC:107699



CRM-M-43831-2025

6. The petitioner was arrested on 15.04.2025 whereinafter investigation was carried out and challan was presented on 15.07.2025. Total 20 prosecution witnesses have been cited, but none has been examined till date. It is thus, indubitable that conclusion of trial will take its own time. The rival contention raised at par give rise to debatable issues which shall essentially 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 19.08.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 months and 29 days. Further, as per the said custody certificate, the petitioner is stated to be involved in multiple cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. 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 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)***

2025:PHHC:107699



CRM-M-43831-2025

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.

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.

2025:PHHC:107699



CRM-M-43831-2025

- 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

August 19, 2025
mahavir

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