

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:148707



237

CRM-M-44304-2025 (O&M)

Date of decision:30.10.2025

Arshdeep Singh & another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. Ishan Gupta, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No.31 dated 10.03.2024, registered under Sections 307, 323, 324, 506, 148, 149, 201 IPC and Sections 25/27/30 of the Arms Act, at Police Station Sadar Sangrur, District Sangrur.

2. Brief facts relevant for disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant – Ashwani Kumar on 10.03.2024, alleging that he was a partner to the extent of 25% in firm M/s Davindra Agro Firm and others partners were petitioner No.2 – Davinder Singh and Banita Rani. The complainant and Banita Rani used to invest money in the business of the

firm whereas the petitioners used to look after the business of the firm and took care of the factory. Subsequently, the complainant came to know that the firm was going in loss and had accrued debt to the tune of Rs.3 Crores. Petitioner No.2 and his father were asked to give accounts of the firm but they refused to do so. Complaint was lodged to the police on 09.02.2024. The complainant alleged that in the morning of 10.03.2024, he along with Banita Rani, her husband Sandeep Kumar and some other persons had gone to the factory premises for having conversation with the workers and some customers, who were present there, when the petitioners along with the co-accused reached there. Accused Rajinderpal Singh father of petitioner No.2 made an exhortation saying that the complainant should not escape and then they started an altercation with him and his companions. Petitioner No.1 went to the roof of the house and started firing with the 12 bore rifle. Rajinderpal Singh also took out a pistol and started firing directly upon him with an intent to kill them. Petitioner No.2 – Davinder Singh opened an attack with a *dah*, thereby injuring the right shoulder of the complainant. Co-accused also caused injuries to the complainant and the persons, who were accompanying him with intent to kill them. All of them were extended beatings and threatened. The injured were rushed to the hospital for treatment.

3. After registration of the FIR, investigation proceedings were initiated. Statements of injured witnesses were recorded. Accused Jagtar Singh @ Tari, Padamjeet Singh and Balwinder Singh were arrested on 11.03.2024. Accused Rajinderpal Singh surrendered on 18.05.2024.

Petitioners were arrested on 12.06.2025. As no weapon used in the crime

was got recovered, offence under Section 201 IPC was added. Investigation now stands completed and supplementary challan qua the present petitioners has been presented before the learned trial Court.

4. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. They are in custody since 12.06.2025. The trial will take considerable time to conclude. Only Lakhvir Singh had sustained a grievous injury. The said injury had not been attributed to them. All the injuries, which have been attributed to them are simple in nature. They have clean antecedents. Their continued detention would not serve any useful purpose. Bobby Mehra, a member of their group had also sustained injuries in the same incident. It is a case of version and cross-version. They were not the aggressors. Co-accused Balwinder Singh, Padamjit Singh and Rajinderpal Chauhan have been extended benefit of bail. On parity, the petitioners too deserve to be extended the same benefit. With these broad submissions, it is, urged that they deserve to be extended benefit of bail.

5. Per contra, learned State counsel assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioners, who by forming membership of an unlawful assembly with the co-accused had voluntarily caused simple as well as grievous injuries to the victims with an intent to kill them. There are chances of their intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard rival submissions made by learned counsel for the parties at considerable length.

7. The petitioners are alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, shots were fired with firearms upon the victims. The victims had sustained injuries. One injury by Ashwani Kumar, two injuries by Kulwinder Singh, two injuries by Bobby Mehra and two injuries had been sustained by Lakhvir Singh. Injury No.1 on the person of Lakhvir Singh was opined to be grievous in nature. There is no material on record to show any injury sustained by either of the injured, had been declared to be dangerous to life or that any firearm injury had been sustained by either of them. The petitioners are in custody since 12.06.2025. The trial will take considerable time to conclude. No fruitful purpose is going to be served by their continued detention. It is well settled proposition of law that bail is the rule and jail is an exception. No specific injury had been attributed to petitioner No.2. The grievous injury had been attributed to accused Balwinder Singh, who had been extended benefit of bail. The petitioners do not have any criminal antecedents. In view the above discussed facts, this Court is of the considered opinion that a case for release of the petitioners on bail is made out. Accordingly, the petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

30.10.2025

harjeet

(MANISHA BATRA)
JUDGE

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