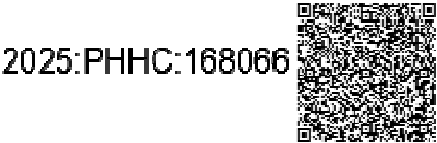


CRM-M-46917-2025



217

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46917-2025

Suraj

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: December 03, 2025
Date of Uploading: December 03, 2025

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vishal Verma, Advocate for
Mr. Gulshan K. Moudgil, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

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 bearing FIR No.48 dated 27.03.2025, registered for the offences punishable under Sections 109 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) and Sections 25 & 27 of the Arms Act, 1959 (for short ‘Arms Act’), at Police Station Maqboolpura, District Police Commissionerate, Amritsar.

2. The gravamen of the allegations against the petitioner is that on 27.03.2025, at about 10:30 p.m., while complainant, namely, Vanshu Gupta

CRM-M-46917-2025

was attending customers at his *dhaba*, accused Sukhjit Singh, along with Suraj (*petitioner herein*), Billa, and Amrit, arrived there. Due to heavy rush, it took approximately 10–15 minutes to prepare and pack the food they had ordered. The petitioner became annoyed and, pointing a pistol at the complainant's forehead, demanded that his food be packed on priority, threatening to kill him if he failed to comply. When the complainant attempted to protect himself, a bullet was accidentally fired, striking co-accused, namely, Sukhjit Singh on his thigh. Thereafter, the petitioner and his co-accused assaulted the complainant.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 05.04.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that there was no deliberate or intentional act on the part of the petitioner; it is only due to scuffle between the petitioner-side and the complainant-side that the gunshot fired. Learned counsel has further iterated that no specific injury has been alleged to have caused to the complainant by the petitioner. Learned counsel has urged that co-accused of the petitioner have already been granted the concession of bail. Learned counsel has further urged that investigation is complete and nothing is to be recovered from the petitioner. Learned counsel has also urged that the petitioner has suffered incarceration for more than 07 months and no useful purpose would be served by keeping him behind bars further. Thus, regular bail is prayed for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of regular bail to the petitioner by arguing that there are direct/ serious allegations against the petitioner. Learned State counsel has submitted that there is specific attribution to the petitioner inasmuch as he took the pistol out and pointed it towards the complainant to make him to obey his instructions—upon not doing so, the petitioner fired the shot, which hit on the thigh of his co-accused. He has further submitted that the petitioner is a habitual offender as he is also involved in other FIR(s), and, in case, he is released on bail, there is all likelihood of him tampering with the prosecution evidence as also intimidating the witnesses. With these submissions, dismissal of the present petition is entreated for.

5. I have heard learned counsel for the rival parties and have perused the paper-book.

6. Perusal of the case file reveals that on the date of the alleged occurrence, the petitioner, along with his co-accused, visited the complainant's *dhaba* and, upon being asked to wait due to rush, became enraged. The petitioner is alleged to have drawn a pistol and pointed it at the complainant's forehead. During the scuffle that ensued when the complainant attempted to save himself, a shot was fired, injuring the petitioner's co-accused. The allegations against the petitioner are grave in nature, involving the illegal use of a firearm in a public place, thereby endangering the life of the complainant as well as other customers present at the *dhaba*. Such conduct *prima facie* reflects a tendency for violence and constitutes a serious threat to public safety. Furthermore, none of the 13

CRM-M-46917-2025

prosecution witnesses has been examined till date. Grant of bail at this stage carries a reasonable apprehension of the petitioner influencing or intimidating witnesses or obstructing the course of trial.

7. Keeping in view the factual *milieu* of the case in hand and upon perusal of the record; especially in view the factum of direct and serious allegations against the petitioner, out of total 13 prosecution witnesses, none of them stated to have been examined till date, and further in view the antecedents of the petitioner as he is shown to be involved in other FIR(s); there appears reasonable apprehension of threatening/ intimidating the prosecution evidence as also witnesses at the end of the petitioner, therefore, this Court is not inclined to grant concession of regular bail to the petitioner.

8. Petition stands dismissed, accordingly.

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

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

December 03, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No