



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

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**CRM-M No.49713 of 2025  
Date of decision : 11.9.2025**

**Shubham Kumar @ Ghuggi****.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Kunal Muthreja, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

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**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 20.2.2024, under Sections 307, 353, 186 of the IPC read with Sections 25, 27 (54, 59 added later on) of Arms Act, 1959, registered at Police Station Dasuya, Hoshiarpur.

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

*'To, The Incharge, Police Station Dasuya, "Today, I, SI/SHO along with ASI Sarabjit Singh 602, HC Neeraj Badial 1598, PC Ashutosh 1682, PHG Amandeep Singh 26044 while riding on private vehicles were present at the bus stand Safdarpur for the purpose of conducting patrolling and checking of private vehicles and suspicious persons. It would be around 02:30 PM when a special informant came and informed that Raj son of*



*Balkar Singh alias Bara, Manpreet Singh son of Mukhtiar Singh, Harpreet Singh alias Happy son of Mukhtiar Singh residents of Budhawala police station Bhaini Mian Khan, Ram Lubhaya alias Thomas son of Ram Swaroop resident of Talwara, Sona and Ghuggi residents of Mohalla Kaitha Dasuya Police Station Dasuya who are engaged in the business of selling drugs on the bank of the river near village Passi Bet on the Beas River and they also have weapons. The abovesaid persons are still openly supplying drugs to his customers at the bank of the river near village Passi Bet, who can be apprehended with illegal weapons, upon which I, SI/SHO informed my fellow employees about this information and on which I, SI/SHO along with my fellow employees reached at the spot disclosed by the informant, where the abovesaid persons opened fire on the police party with their respective weapons with the intention to kill the police party. The police party saved their lives by lying on the ground and taking shelter of the area. The abovesaid persons while firing with an intention to kill the police party fled from the spot along with their respective weapons. The abovesaid persons have committed an offence under sections 307, 353, 186 and 25/27-54-59 of the Arms Act by firing at the police party with an intention to kill them and by obstructing the police in performing its duty. On which, after getting the present ruga typed is sent to the police station through PHG Amandeep Singh 26044 for getting the case registered. After filing the case, its file number be The informed. Special reports be issued. information be given to senior officers through control room. I, SI/SHO alongwith fellow employees busy for the investigation of case. Sd/ Harpreem Singh, SI, Station House Officer, Police Station Dasuya 20.02.24.'*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 5.4.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that no specific role has been attributed to the petitioner. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, no police personal is hit by any fire arm/weapon. 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 10.9.2025 in Court, which is taken on record.

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

6. The petitioner was arrested on 5.4.2024 wherein after investigation was carried out and challan stands presented on 21.4.2024. Total 14 prosecution witnesses have been cited but none has been examined till date. It is thus indubitable that conclusion of the trial will take its own time. The rival contentions raised by learned counsel 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 10.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year, 5 months and 5 days. As per the said custody certificate, the petitioner is stated to be involved in 3 more 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) 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 cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall



not change his cell-phone number without prior permission of the trial Court/Illaqa 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.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)  
JUDGE

11.9.2025  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |