



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

222

CRM-M No.49511 of 2025 (O&M)

Date of Decision:10.09.2025

Sahil Atwal

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr.J.S. Laali, Advocate for the petitioner.

Mr. K.D. Sachdeva, DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 109, 333, 324(4), 303(2), 191(3), 190 of BNS and Sections 25 & 27 of Arms Act, FIR No. 48 dated 21.02.2025, has been lodged in Police Station Division No.7, District Police Commissionerate, Ludhaiana. The petitioner is being prosecuted for the commission of above mentioned offences and he has been arrested. The petitioner is still in custody and, therefore, craving for the benefit of bail. This is first petition, filed by the petitioners, under Section 483 of BNSS.

2. Briefly stated that the facts emerging from the records are that above mentioned FIR came into being on the basis of statement of complainant Balwinder Singh. In his statement it was stated by the complainant that on 21.02.2025 at about 12.30/1.00 P.M. when he was present at Grewal Farm armed with his licenced rifle about 20/25 persons with muffled faces forcibly



entered his farm, by scaling the wall and few others started breaking the gate. As per complianant, 3/4 persons caught hold of him and after snatching his rifle and pushing him, made him lie down on the ground. According to complianant, when his associate Arjan Ram came there, the above said persons caught hold of him also, and made him to lie on the ground. It was also stated by the petitioner that thereafter they started damaging the building of the farm house and also broke open the door of room and door of almirah and started searching the same, and that they broke the LCD, control panel of camera and took away DVR with them.

3. He further stated that Parvinder Singh Bajwa, his brother and some unknown persons came in three cars and one unknown person fired shot from his rifle and Parvinder Bajwa also fired shot with intention to kill and thereafter, all the assailants fled away from the spot. As per complainant, the reason behind the occurrence was that Parvinder Singh Bajwa had a property dispute with the owner of farm for which, he alongwith his companions forcibly entered the farm with intention to take forcible possession thereof.

4. This petition has been filed by the petitioner on the ground that he is already in custody for a period of 4 and ½ months and the benefit of bail has already been afforded to the co-accused.

5. Notice of motion.

6. Since advance notice has already been served, Mr. K.D. Sachdeva, DAG Punjab, appears on behalf of respondent-State, and waives service. The learned State counsel has opted not to file custody certificate of the petitioner and formal reply to the petition. However, he has orally opposed



the present bail petition.

7. Heard.

8. It has been contended by learned counsel for the petitioner that the petitioner is innocent and this is a case where no injury has been inflicted on the person of complainant or any other person. As per learned counsel for the petitioner, the petitioner has already suffered sufficient incarceration for being in custody since 10.04.2025. It has also been contended by learned counsel for the petitioner that nothing is left to be recovered from the possession of the petitioner and the investigation and trial are not likely to be concluded in near future.

9. Per contra, learned State counsel has argued that offence committed by the petitioner is serious in nature and, therefore, his bail application has rightly been rejected by the learned trial Court. According to learned State counsel, if released on bail, the petitioner is likely to influence the witnesses. The learned State counsel on the basis of above submissions has pleaded that in the given facts situation, the petitioner is not entitled for the benefit of bail.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, for the decision of present petition, following are the factors which are relevant for arriving at any conclusion: -

- (1) that the petitioner is already in custody for a period of 4 and ½ months;
- (2) that this is a case where no serious injury was inflicted on the person of complainant or any other person;



- (3) that benefit of bail has already been afforded to the co-accused vide order dated 10.07.2025;
- (4) that name of the petitioner does not figures in the FIR;
- (5) that no weapon has been recovered from the possession of petitioner;
- (6) that the trial and investigation are not likely to be concluded in near future;
- (6) that detaining of petitioner in the judicial lock up is not likely to serve any purpose;

12. If cumulative effect of all the above mentioned factors is taken into consideration it leads to a conclusion that the petitioner is entitled for the benefit of bail.

13. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

10.09.2025

Manoj Bhutani

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