



CRM-M-50888-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50888-2025

Reserved on: 29th October, 2025Pronounced on: 3rd November, 2025

Rajiv Kumar @ Sahil @ Pambiri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Saroj Kumari, Advocate for
Mr. Vinod K. Kaushal, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 46 dated 25.04.2025 registered under Sections 109, 351(1), 190 and 191(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 111(i) (iii), 115(2) and 117(2) of BNS added later on) and Sections 25 and 27 of Arms Act, 1959 at Police Station Mohakampura, District Police Commissionerate Amritsar.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Raj Kumar @ Raju alleging that on 24.04.2025, accused Harman @ Kundi came to his house and took him to the fields of Jassa Singh. On reaching there, he found the present petitioner



along with co-accused Shubham, Rani, Sukhmeet Singh @ Pacca, Raja Chuchi and Rohit to be present there. On seeing him, Rani made an exhortation to catch and kill the complainant as he was a police informer and that he should be taught a lesson. Then accused Shubham @ Chinni took out a pistol from his waist and fired a shot upon him with an intent to kill him. He had fallen on the ground and then petitioner struck blow with *datar*, co-accused Sukhmeet Singh @ Pacca struck blow with *datar* on his head and co-accused Rohit, Raja and Harman also assaulted him. On clamour being raised by him, the co-villagers had reached there and then the assailants fled away. After registration of FIR, investigation proceedings were initiated. During investigation, the petitioner surrendered on 28.04.2025. On interrogation, he suffered disclosure statement admitting his involvement in the crime. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of one day in lodging of the FIR that has not been explained. Co-accused Rani has been extended benefit of pre-arrest bail. The firearm injury has been attributed to co-accused Shubham @ Chinni and not to him. Trial will take considerable time to conclude since no prosecution witness has been examined so far. The injury attributed to him was opined to be simple in nature. His continued detention would not serve any useful purpose. It is, therefore, urged that he deserves to be extended benefit of bail.

4. Status report has been filed. It is argued by learned State counsel that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail. Therefore, it is



urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have caused injuries to the victim Raj Kumar on 24.04.2025. The injury that was attributed to the petitioner was a blow on the head of the victim with a *datar*. This injury has been opined to be simple in nature. The firearm injury has not been attributed to be him. Trial has commenced but will take considerable time to conclude. The involvement of the petitioner in two other cases cannot be considered to be a ground for declining benefit of bail to him. The continued detention of the petitioner is not going to serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. In view of the above discussed facts, this Court is of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

3rd November, 2025
Parveen Sharma



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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No