



250

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

CRM-M-51303-2025

Date of decision :17.09.2025

Anshu

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.92 dated 28.08.2024 under Sections 109, 132, 221, 3(5) of BNS and Section 25, 27 of Arms Act and Section 21, 29 of NDPS Act added later on, registered at Police Station Division No.4, District Jalandhar.
2. Succinctly the facts of the case are that the Police party while on patrolling on 28.08.2024 saw 04 persons were standing near the park with their activa scooters. On suspicion, the police party tried to apprehend them, however, one of them started firing at the police party. Three of them managed to escape from the spot, while one was apprehended and he, on asking, disclosed his name as Naveen Kumar @ Kaka. Thus, the FIR was registered and he was arrested on spot. On registration of FIR, the investigation commenced. During investigation, complicity of the petitioner surfaced and thus, he was also arrayed as an accused in the present petition. Resultantly, he was arrested on 30.08.2024. On completion of investigation, trial commenced and the learned trial Court vide its order dated 09.07.2025 framed the charges. The petitioner



approached the Learned Judge, Special Court, Jalandhar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Jalandhar vide order dated 25.06.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. It is submitted that the police stopped four persons and out of them one person was apprehended, who disclosed his name to be Naveen Kumar @ Kaka. It is submitted that Naveen Kumar @ Kaka, disclosed the name of other three accused, who escaped, as Vikramjit Singh @ Vikram Nihang, Rahul Gill @ Kali and Anshu (present petitioner). He submits that Vikramjit Singh @ Vikram Nihang had opened fire on the police party. He submits that on disclosure of Naveen Kumar @ Kaka, recovery of 01 kg heroin, was effected. He submits that the charges framed against the petitioner are for the offences under Sections 109 of BNS read with Section 3(5) of BNS and Sections 353 & 221 of BNS, however, the charge for the offence under Section 21 (c) of NDPS Act is only framed against accused-Naveen Kumar and not against the petitioner. He submits that the petitioner is facing trial for the charges under Section 109 of BNS and not under the NDPS Act. It is submitted that as per the case of the prosecution, it is not the petitioner, who fired at the Police party and thus, even the offence under Section 109 of BNS, is not made out against the petitioner. He further submits that the petitioner is facing trial in another FIR i.e. FIR 234 dated 12.12.2021 for the offence under Sections 302, 307 & 34 of IPC and Section 25 of Arms Act. He submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

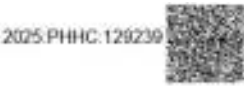


4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner was along with the co-accused, on whose disclosure, 01 kg heroin was recovered. It is submitted that the petitioner also fired at the police party and thus, the offence under Section 109 BNS is also made out against him. He, on instructions, has submitted that out of total 13 prosecution witnesses, only 03 witnesses have been examined. He has placed on record the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that though the FIR in the present case was registered for the offence under Sections 109, 132, 221, 3(5) of BNS and Section 25, 27 of Arms Act and Section 21, 29 of NDPS Act added later on, however, no charge is framed under the NDPS Act against the petitioner. The allegation of firing at the Police party is also against the co-accused. As per custody certificate, the petitioner has suffered an incarceration of 01 year and 15 days as on 16.09.2025. It further reflects that the petitioner is facing trial in one more case.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the



satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

8. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

17.09.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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