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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on :13.05.2025

SHUBHAM @ MISHRI

... Petitioner(s)

Versus

STATE OF PUNJAB

.. Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Munish Gulati, Advocate
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Petitioner-Shubham @ Mishri , aged about 29 years, has filed instant petition seeking regular bail in case FIR No.23 dated 04.03.2020, under Sections 307, 323, 506, 148, 149 IPC and Section 25 of Arms Act, 1959, registered at Police Station, Ferozepur Cantt, District Ferozepur, during the pendency of trial.

2. As per the case of the prosecution, accused namely, i) Yonti; (ii) Sunder; (iii) Kakku; iv) Shubam (present petitioner); (v) Moti and vi) Karni allegedly went in front of the house of the complainant, namely, **Rohit**, where they raised a *lalkara* and opened fire at the complainant party. It is alleged that one of the shots was fired by accused Yonti, which caused a firearm injury to the index finger of the complainant.

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3. Learned counsel for the petitioner submits that the allegation against the petitioner is that he fired a shot towards the house of the complainant using a revolver; however, no one has suffered injury on that account. It is further submitted that the petitioner has been in custody since **12.08.2024**, and thus remained incarcerated for a period of approximately nine months.

Learned counsel also submits that although the investigation has been concluded and the final report has also been submitted before the competent court, but the process of recording the statements of prosecution witnesses is yet to start.

It is therefore submitted that, considering the specific role attributed to the petitioner, his exact involvement in the alleged incident remains unconfirmed at this stage and is a matter to be determined by the learned Trial Court upon appreciation of the evidence during the course of trial. In such circumstances, it is contended that continuous detention of the petitioner would amount to an undue curtailment of his personal liberty. Accordingly, prayer is made for the grant of regular bail to the petitioner.

4. On the other hand, learned State counsel submits that the petitioner is involved in other similar incidents, in which cases have been registered against him under Sections 307 and 398 of the IPC, among others. He further submits that in the present case, an offence under **Section 201 IPC** has also been alleged against the petitioner, as per his disclosure statement recorded by the police. It is alleged that the



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petitioner confessed to have destroyed the revolver used in the incident by throwing it into a running canal.

5. Upon this, learned counsel for the petitioner contends that the said disclosure statement is highly improbable and lacks credibility, as it fails to mention a crucial detail as to whether water was actually flowing in the canal at the relevant time or not.

6. Be that as it may, taking into consideration the totality of the circumstances as argued by learned counsel for the parties and as noted by this Court, and particularly the fact that, despite the lapse of approximately **nine months**, the trial has not progressed to the stage of recording evidence, this Court is of the view that the continued incarceration of the petitioner is not warranted at this stage; especially keeping in view the nature of allegations levelled against him.

Accordingly, the prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.



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9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

13.05.2025
Rashmi

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*