

2025:PHHC:042695



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.55579 of 2024
Date of Decision: 26.03.2025
Reserved on: 24.03.2025

Pardeep Kumar @ Bantu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajesh K.Dadwal, Advocate,
for the petitioner.

Ms. Himani Arora, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
17	11.02.2024	Mahilpur, District Hoshiarpur	386, 307, 506 and 120-B of IPC and 25(6) and 27 of Arms Act, 1959 (482 and 411 of IPC added later on)

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR had been registered on the basis of statement recorded by the complainant Harjot Singh on 11.02.2024 alleging that at about 10:15 AM, three youths with covered faces came on a motorbike outside his shop and started firing shots at the flex board of

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his shop. One of them gave one paper slip to his employee Ravi Kumar and then while firing shots towards him with an intention to kill, they fled. The slip contained a writing “Kaushal Choudhary Group 5 Crore W.No +393533401161”. After registration of FIR, investigation proceedings were initiated.

3. As per the further allegations, the motorbike used at the time of occurrence was subsequently recovered. The co-accused Davinder Pal Singh and Rohit Kumar were arrested. It was revealed that Kaushal Chaudhary and Saurav Chaudhary had formed a gang for extortion of money and used to provide arms to other accused for the purpose of extending threats to rich people and to overawe them and then to extort money. They had appointed two persons for firing shots outside the shop of the complainant with an intention to extort money. Initially, two persons namely, Davinder Pal Singh and Rohit Kumar were apprehended and interrogated but were subsequently discharged. The accused Manisha who was also nominated as an accused was arrested on 05.03.2024. She suffered disclosure statement. Subsequently, accused Banwari Lal was arrested. He suffered disclosure statement about involvement of the present petitioner and co-accused Kuldeep Thakur in the incident that took place on 11.02.2024, on the basis of which, the petitioner was nominated as an accused. He was arrested on 13.04.2024 and was identified by the complainant. Identification memo was prepared. The investigation qua him has been concluded.

4. It is argued by learned counsel for the petitioner that he has

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been falsely implicated in this case. He was not named in the FIR. There was no question of his identification by the complainant since as per the allegations in the FIR itself, the assailants had come with muffled faces. Registration number of the vehicle used in the crime had not been disclosed. No recovery is to be effected from him. He is in custody for a period of over 11 months. The trial will take time. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

5. Status report has already been filed. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner. He was duly identified as one of the assailants/attacker upon the complainant on the fateful day. The complainant is yet to be examined. Recovery of two pistols and live cartridges had been effected from him. There are chances of petitioner's absconding or intimidating the witnesses if extended benefit of bail. He is a habitual offender since two more cases of serious nature are pending against him. With these broad submissions, it is urged that the petition does not deserve to be allowed.

6. Learned counsel for both the parties have been heard at considerable length.

7. The petitioner along with the co-accused is alleged to have formed a gang involved in business of extorting ransom money by extending threats to businessman and rich people. He is further alleged to have fired shots outside the shop of the complainant on the fateful day with an

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intention to overawe him and to extort money from him. He was identified by the complainant as one of the attackers/assailants. The allegations against him are serious in nature. The complainant is yet to be examined. The contention that he may intimidate the witnesses cannot be stated to be unfounded. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner does not deserve to be given concession of bail at this stage. Accordingly, the petition is dismissed.

26.03.2025
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(MANISHA BATRA)
JUDGE

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