

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

225

CRM-M-54881-2024

Date of decision: 9th January, 2025

Bahadur Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

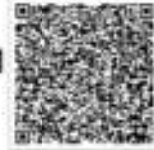
Present: Mr. L.S. Sidhu, Advocate for the petitioner.

Ms. Shweta Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

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. 187 dated 07.09.2024 registered under Sections 109, 191, 190, 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25 of Arms Act, 1959 at Police Station City Budhlada, District Mansa.

2. As per the prosecution case, on 07.09.2024, the complainant Chamkaur Singh was standing in his courtyard along with his family members and some relatives when the petitioner who is residing in his neighbourhood came on the roof of his house along with co-accused Bohar Singh and Manga Singh. The co-accused were armed with weapons. The petitioner started hurling abuses to the complainant. The complainant heard the family members of the petitioner while proclaiming that he should be



taught a lesson for giving bid against them for purchase of a plot. Thereafter, the accused Bohar Singh fired a shot with .12 bore gun which he was carrying in his hand with an intention to kill the complainant and his companions. The shot hit Gurjinder Pal Singh. Manga Singh fired another shot but the members of complainant party were saved. On rescue alarm being raised, the assailants had fled away. Gurjinder Pal Singh was rushed to hospital. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 08.09.2024. Investigation stands concluded.

3. The present petition has been filed by the petitioner on the ground and it is argued by his counsel that he is in custody since long. Trial is likely to take time. His further detention would not serve any useful purpose. The injuries on the person of Gurjinder Pal Singh have not attributed to him but to the co-accused. With these broad submissions, it is urged that he may be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned Deputy Advocate General, Punjab that there are serious allegations against the petitioner who by forming membership of unlawful assembly with the co-accused made an attempt to kill the members of complainant party. He is a habitual offender as several other cases have been registered against him. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.



6. The petitioner is alleged to have formed an unlawful assembly with the co-accused and in prosecution of common object of that assembly, on the fateful day, he is alleged to have reached at the roof of his house and hurled abuses to the complainant party and then instigated the co-accused to fire shots with armed weapons upon the members of the complainant party. Gurjinder Pal Singh sustained firearm injury in the same incident. However, those injuries are not specifically attributed to the petitioner. Investigation has since been completed. Challan stands presented. Trial is likely to take time. Registration of other cases as against the petitioner cannot be stated to be a ground for denying benefit of bail to him. Keeping in view the facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am 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. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

9th January, 2025
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |