



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

243

CRM-M-53293-2025

Date of decision: 27th November, 2025

Sucha Singh @ Shani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Munish Gulati, Advocate for the petitioner.
(through V.C.)

Mr. Durgesh Garg, Assistant 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. 73 dated 11.08.2024 registered under Sections 111, 111(2), 111(3) and 111(4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25 of Arms Act, 1959 at Police Station Sadar Moga, District Moga.

2. The aforementioned FIR was registered on the allegations that on 11.08.2024, on receipt of a secret information to the effect that the petitioner along with the co-accused had formed a gang and was involved in committing serious offences and was also in possession of huge quantity of illicit weapons and ammunition and could be apprehended near grain market Khorkhara area, if raided immediately as he was making plan to commit some offence, a raiding party was formed headed by ASI Virender Singh



and reached at the informed place and apprehended the petitioner along with three co-accused. On conducting search of the petitioner, recovery of one country made pistol made .32 bore along with five live cartridges, one *katta* 315 bore along with two live cartridges was effected. Recovery of weapons and ammunition was also effected from the co-accused. Investigation now stands completed and the petitioner is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. He is in custody since 11.08.2024. Trial would take considerable time to conclude. His further incarceration would not serve any useful purpose. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, argued that he deserves to be extended benefit of bail.

4. Status report as well as custody certificate has been filed. It is argued by learned Assistant Advocate General, Punjab that there are serious and specific allegations against the petitioner, who is a member of a gang formed for the purpose of committing organized crime. He has been involved in five cases which are of serious nature. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. It is, therefore, argued that he does not deserve to be released on bail.

5. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

6. The petitioner is in custody since 11.08.2024. It is a debatable question as to whether, the ingredients for commission of offences



punishable under Section 111 of BNS are attracted against the petitioner or not. Trial will take considerable time to conclude. In the considered opinion of this Court, no useful purpose would be served by keeping the petitioner in custody anymore. It is a well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts, but without meaning to make any comment on the merits of the case, lest the same prejudice the trial, this court is of the considered opinion that the petition deserves to be allowed. Accordingly, 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

27th November, 2025
Parveen Sharma

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