

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:165903



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CRM-M-53723-2025 (O&M)
Date of decision:28.11.2025

Harmanjeet Singh @ Kundi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amit Arora, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

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 case bearing FIR No.46, dated 25.04.2025, registered under Sections 109, 351(1), 191(3), 190 of the BNS (offences under Sections 111, 115(2) and 117(2) of the BNS were added lateron) and Sections 25/27 of the Arms Act, at Police Station Mohkampura, District Amritsar.

2. The aforementioned FIR was registered on the basis of statement made by the complainant - Raj Kumar @ Raju alleging that on the night of 24.04.2025, the petitioner had taken him to the fields of Jassa Singh. When they reached there, he was encircled by the petitioner along with the co-accused. The present petitioner opened an attack upon him and started

assaulting him. Accused Shubham @ Cheeni, who was present there took out his pistol and fired a shot, thereby hitting his left leg. The petitioner and other accused also caused injuries at his person with their respective weapons. Clamour raised by him attracted his wife, who reached at the spot and then the assailants fled away. He was taken to the hospital. After registration of the FIR, investigation proceedings were initiated. The victim was medically examined. The petitioner was in custody in some other case and was joined into investigation of this case and was arrested on 29.05.2025 and suffered disclosure statement admitting his involvement. He got recovered the weapon used in the offence. Investigation now stands completed. Challan qua the petitioner and some other accused has been presented before the learned trial Court.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific role or injuries have been attributed to him. He is on bail in other cases as registered against him. His involvement in other cases cannot be considered to be deny benefit of bail to him. His further incarceration would not serve any useful purpose. It is, therefore, urged that the petitioner deserves to be extended the benefit of bail.

4. Status report has been filed.

5. Learned State counsel has argued that keeping in view the gravity of allegations as levelled against the petitioner, he does not deserve to be extended the benefit of bail.

6. This Court has considered the rival submissions made by learned counsel for the parties.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of the common object thereof, is alleged to have assaulted the victim Raj Kumar @ Raju on 24.04.2025 and is further alleged to have caused simple as well as grievous injuries to him including one firearm injury. The firearm injury was attributed to the co-accused Shubham @ Cheeni and not to the present petitioner, who had allegedly given kicks and fist blows. The petitioner is in custody since 29.05.2025. The trial would obviously take considerable time to conclude since even charges have not been framed so far. No fruitful purpose would be served by continued detention of the petitioner. It is well settled proposition of law that bail is the rule and jail is an exception. Pre-trial incarceration of an accused should not be replica of post conviction sentencing. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

28.11.2025

harjeet

(MANISHA BATRA)
JUDGE

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