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

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CRM-M-54903-2025

Date of decision:01.12.2025

Rakesh @ Rakesh Kumar @ Keshu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Malkiat S. Hundal, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. 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 arising out of GD No.28, dated 24.10.2024, under Sections 109, 351(2), 351(3), 191(3), 190 of the BNS and Sections 25/27 of the Arms Act (offences under Sections 191(3) and 190 of the BNS were deleted and Section 3(5) of the BNS was added lateron) in FIR No.102 dated 22.10.2024 registered under Sections 109, 333, 324(3), 118(1), 351(2), 351(3), 191(3), 190 of the BNS and Sections 25/27 of the Arms Act, at Police Station Khem Karan, District Tarn Taran.

2. As per the allegations, on 22.10.2024, Mandeep Kaur wife of Angrej Singh got recorded her statement to the effect that her brother-in-law was present in her house when they heard some noises. On coming outside

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their house, they found the petitioner along with co-accused to be present there along with weapons. They were raising *lalkaras*. They pelted stones and bricks toward their house. They entered inside the house of the complainant and started damaging the articles kept therein. The complainant and her brother-in-law tried to run away to save themselves but the accused Sona Model with an intent to kill them, fired a shot with a pistol, thereby injuring brother-in-law of the complainant and thereafter the assailants fled from the spot. On her statement, the aforementioned FIR was registered. Investigation proceedings were initiated. Then Gurwant Kaur wife of Sham Singh i.e. the complainant in this petition got recorded a statement as on 24.10.2024, alleging that on the fateful night, she along with her son was standing in the street outside her house when the present petitioner armed with a pistol and co-accused Rasala, Harpal Singh and Kaka Singh reached there. Accused Harpal Singh had made an exhortation and the present petitioner fired a shot with a pistol upon her son, thereby causing injuries in his abdomen. On clamour being raised, the assailants fled away. The aforementioned DDR was registered on the basis of her statement. Investigation proceedings were initiated. Present petitioner was arrested on 01.07.2024. He suffered disclosure statement and got recovered weapon of the offence. Investigation now stands completed and challan has been presented.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is a case of version and cross-version.

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Infact Sukhchain Singh had been assaulted by the members of the complainant party and sustained firearm injury. The FIR was lodged as a counter-blast. The GDR was a counter-blast to the case already got registered against the members of the complainant party in the said GDR. The injury allegedly sustained by the victim has not been opined to be dangerous to life. He is in custody since long. Investigation now stands completed. No useful purpose would be served by further detention of the petitioner. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that there are serious and specific allegations against the petitioner, who with an intent to kill the son of the complainant, Bunty, had fired shot with a pistol upon him. Recovery of the weapon, allegedly used in the offence, has been effected from him. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has heard rival submissions made by learned counsel for the parties.

6. The petitioner is in custody since 01.07.2025. The trial will take time to conclude as no prosecution witness has been examined out of 24 prosecution witnesses cited so far. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above facts and

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circumstances 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 as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

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

01.12.2025
harjeet

(MANISHA BATRA)
JUDGE

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