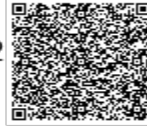


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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

237

CRM-M-54940-2025 (O&M)

Date of decision:01.12.2025

Sarthak

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

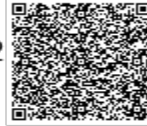
...

Manisha Batra, J. (Oral).

1. The instant one is the second petition as 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.235, dated 16.11.2023, registered under Sections 307, 34, 120-B IPC and Sections 25/27 of the Arms Act, at Police Station Ranjit Avenue, District Amritsar. His previous petition bearing No.CRM-M-43422-2024 has been dismissed as withdrawn by this Court vide order dated 04.08.2025.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant – Surinder Singh on 16.11.2023 alleging that his son Neeraj, who was working as a driver in Beant Park, Ranjit Avenue near BSNL Telephone Exchange, Amritsar, used to go to his work place at 04:00 A.M. and he used to go to serve him breakfast at 08:00 A.M. and on the same day also, when he reached near telephone exchange, he saw his son standing on the opposite side of road. The petitioner along

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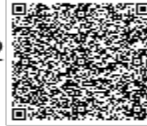
with co-accused reached there in a Verna car. The petitioner made an exhortation by addressing co-accused Anmol to capture the son of the complainant and not to leave him alive. Thereafter, he took out a pistol from his pocket and fired 4-5 shots with the same, thereby causing firearm injuries on the person of his son. His son fell down on the ground. Thereafter, accused Anmol caused injuries with sharp edged object to his son. On clamour being raised by the complainant, they had fled away. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 30.11.2023. Co-accused was also arrested subsequently. Investigation now stands completed. The petitioner along with co-accused 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 30.11.2023. Co-accused Anmol Sharma has been extended benefit of bail. On parity, he too deserves to be given the same benefit. 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 and custody certificate have been filed.

5. Learned State counsel has argued that the allegations against the petitioner are quite serious in nature and his case cannot be considered to be at par with the co-accused. Firearm injury on the person of the victim had been attributed to him. Injury so sustained by the victim has been opined to be dangerous to life. There are chances of his absconding or intimidating the

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witnesses, if extended benefit of bail. He is a habitual offender since many cases including one case of similar nature are registered against him. Accordingly, it is stressed that 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 made an attempt to kill the victim by firing shots with some firearm upon the victim. He is in custody for a period of about 02 years. The trial is likely to take time to conclude since out of 38 prosecution witnesses cited, only 03 have been examined so far. The complainant as well as the victim stand examined and therefore, there are no chances of the petitioner's intimidating them. 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 as well as 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.

01.12.2025*harjeet***(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No