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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110+241

CRM-45117-2025 in/and
CRM-M No.58562 of 2025
Date of Decision: 13.11.2025

Tushar Kapoor ... Petitioner
Versus
State of Punjab and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Deepak Jain, Advocate and
Mr. Ashok Jindal, Advocate,
for the applicant-petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

CRM-45117-2025

The application is allowed subject to just exceptions and the documents annexed therewith are ordered to be placed on record as Annexures P-4 to P-8 respectively.

Main Case

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 the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0080	19.06.2025	Phase 11, District SAS Nagar (Mohali), Punjab	115, 109, 351(3), 126(2), 190, 191 and 238 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 and 27 of Arms Act, 1959

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2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Akashdeep Singh alleging that on 18.06.2025, he along with his friends had gone to Skull Club situated in Bestech Square Mall, Mohali on asking of his friend Mayank Goyal who was working in that club. At about 2:10 AM, when he along with his friend Siddharth and other friends was present in the Club and was dancing, inadvertently his shoulder touched an unknown youth who started arguing with the complainant. His friends came to intervene. In the meanwhile that youth called 6-7 persons. Altercation started taking place between both the sides and those youths surrounded the complainant and his other accomplices and extended beatings to them. Then the abovesaid unknown youth took out a revolver from his pocket and fired a shot with the same thereby hitting his friend Siddharth Delu in the abdomen, with an intent to kill him. Several persons had reached at the spot and then the assailant along with his accomplices fled from the spot. The complainant later on came to know that the person who had used revolver was Aditya. Injured was taken to the hospital. After registration of FIR, investigation proceedings were initiated. During investigation, the petitioner who was the person with whom scuffle had taken place at the outset was nominated as an accused and was arrested on 22.06.2025. Investigation qua the petitioner stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 22.06.2025. A compromise has been effected between the parties and written compromise

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Ex.P-2 has been executed. He was not named in the FIR. He did not cause any injury to anyone and had allegedly caught hold of the complainant. The firearm was not used by him. The challan has been presented but trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

4. Per contra, learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have formed membership of an unlawful assembly and in prosecution of common object thereof is alleged to have assaulted the complainant and his friend Siddharth. Siddharth had received a firearm injury which has been attributed to the co-accused and not to the petitioner. The petitioner has also palced on record a copy of compromise stated to have been arrived at between the complainant and himself. Though no credence can be given to this document at this stage as the authenticity is to be proved on the basis of evidence to be led during the course of trial, however, keeping in view the nature of the allegations levelled against the petitioner, the part attributed to him, the period of his incarceration and the fact that the trial is not likely to be concluded in near future, this Court is of the considered opinion that continued detention of the petitioner would not serve any purpose. It is well settled proposition of law

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sentencing. In view of the discussion as made above, this Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

13.11.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No