



241 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-62335-2024

Date of Decision:07.04.2025

Gurlal Singh alias Garry

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Nitin Narula, Advocate
 for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. Kushagra Mahajan, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.15 dated 12.03.2024 registered under Sections 302, 120-B, 34 of IPC and Sections 25, 27, 29, 30, 54, 59 of Arms Act, 1959, at Police Station Kathu Nangal, District Amritsar Rural.

2. The FIR in the present case was registered on the basis of the statement made by Manjit Singh son of Pyara Singh and the same has been reproduced below:-

*“Statement of Manjit Singh Son of Pyara Singh
Resident of Ram Diwali Hindus Police Station Kathunangal
District Amritsar Age 42 Years Mo.No. 98777-80654 stated that I
am a resident of the said address and retired from the
Departmental Army and my brother Kavaljit Singh is also retired
from the Departmental Army. My brother Kavaljit Singh daily*



walks from village Chogava to the house of Rana Patwari resident of Chogava to get milk in the evening. Like every time on 09-03-2024 in the evening too, my brother Kawaljit Singh went on foot to get milk from the house of Rana Patwari residents of Chogava that the time was 7:10. PM and my brother Kawaljit Singh on his mobile number 98760-93447 called me on my mobile number 98777-80654 and said that I was bringing milk that two unknown youths came after me on a motorcycle and shot me and left. Come quickly. On which I reached the spot in my car and saw my brother was lying on the road injured. Who had a bullet in his right side of the body. I have brought him in my car to Fortis Escort Hospital Amritsar and admitted him for treatment. He will write his statement to you and he might know the unidentified youths. Kindly take legal action against the two unidentified youths. I have written the statement to you, read it and you've listened to it. Sd/- Manjit Singh Manjit Singh Sd/- Gurpreet Singh Gurpreet Singh, Attestation Sd/- Sulakhan Ram SI Police Station Kathunangal Dated 12.03.2024.”

3. Learned counsel for the petitioner contends that the petitioner was falsely involved in the present case. In fact, the FIR was initially registered against unknown persons, who had allegedly fired at the deceased. During the course of investigation, it was found that Manjinder Singh @ Gaggan and Meharpreet Singh @ Tidda, both co-accused had fired at the deceased and both of them are in custody at present. He further contends that the petitioner was not present at the place of occurrence and it has been wrongly alleged that he had conspired with his co-accused. He further submits that the petitioner was arrested in the present case on 22.03.2024 and is in custody since then. The



challan has already been presented against him and the trial Court may take considerable time in concluding the trial.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had helped the accused in concealing the weapon, after the occurrence had taken place. Apart from that, there was sufficient evidence to show that the petitioner had conspired with the co-accused and the petition deserves to be dismissed by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was not initially named in the FIR and has been nominated as an accused in the present case at a later stage on the basis of the disclosure statement by his co-accused. Moreover, it has been found that Manjinder Singh @ Gaggan and Meharpreet Singh @ Tidda had fired shots at the deceased and it is doubtful as to whether the petitioner was present at the place of occurrence.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the



facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

07.04.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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