2025:PHHC:022354

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.65388 of 2024
Date of Decision: 15.02.2025
Reserved on: 05.02.2025

Balbir Singh @ Balvir Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ritesh Pandey, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

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MANISHA BATRA, J.

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
136	23.10.2024	Dera Baba Nanak, Batala, District Gurdaspur	109, 111 and 308 (4) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") (111 (5) and 112 of BNS added later on) and 25 of the Arms Act, 1959

2. Adumbrated facts as emanating from the record are that the

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aforementioned FIR had been registered on the basis of statement recorded by the complainant Randeep Singh alleging that on the evening of 23.10.2024, one unknown person had come to his medical shop and had called him outside. When he reached there, the said person took out a pistol and fired a shot with the same thereby hitting his left thigh. On rescue alarm being raised, he had managed to flee. He alleged that the attack was made to extort money from him as he had been receiving extortion calls. After registration of FIR, investigation proceedings were initiated. During investigation, the present petitioner was nominated as an accused on the basis of disclosure statement of co-accused Jobanpreet Singh to the effect that the petitioner who is uncle of accused Jeewan Fauji, harboured the accused Jobanpreet Singh and had provided logistic support to other accused. The petitioner was arrested and in custody since 03.11.2024. The co-accused were also arrested. Investigation stands concluded.

3. It was argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR and has been implicated on the basis of disclosure statement of co-accused Jobanpreet Singh which cannot be considered to be admissible in evidence. No material has been collected to show as to what particular act had been committed by the petitioner which amounted to commission of subject offences by him. The ingredients for commission of offences under Sections 111 and 112 of BNS have not at all been attracted against him. His further incarceration would not serve any useful purpose. Therefore, it was urged that he deserves to be released on bail.

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4. Status report had already been filed. Learned Assistant Advocate General, Punjab had argued that there are specific and serious allegations against the petitioner who is uncle of accused Jeewan Fauji who is the kingpin of an organized syndicate for committing offences of extortion etc. He had provided shelter to the main shooter Jobanpreet Singh as well as the main accused and harboured them. He had been wilfully assisting in the commission of organized crime. Therefore, it was urged that he does not deserve to be released on bail.

5. Learned counsel for both the parties were heard at considerable length.

6. The petitioner is alleged to be a member of an organized crime syndicate for committing offences of extortion. As per the allegations, he had been providing shelter and logistic support to the co-accused who had been committing offences of extortion and the co-accused Jobanpreet Singh who had fired shot at the complainant in this case, was also given shelter by him. The allegations against the petitioner are based on disclosure statement of the co-accused. It is a debatable question as to whether the ingredients for commission of offences under Sections 111 and 112 of BNS are attracted against him or not. He is in custody since 03.11.2024. Investigation stands completed. Trial will take time. Keeping in view the nature of the allegations levelled against the petitioner, the period of incarceration and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is

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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.

(MANISHA BATRA)
JUDGE

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

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