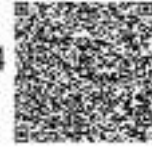


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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-7151-2026

Date of decision: 9th April, 2026

Baljit Singh @ Baba

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

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 bearing FIR No. 162 dated 28.07.2024 registered under Sections 109, 3(5) and 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 25 and 27 of the Arms Act, 1959 (Sections 61(2), 190 and 191(3) were added and offence under Section 3(5) was deleted later on) at Police Station Lopoke, District Amritsar.

2. The aforementioned FIR has been registered on the basis of statement recorded by the complainant-Harpal Singh on the allegations that on 28.07.2024, he along with his friend Rajan was going towards market when the present petitioner along with co-accused had intercepted him. They hurled abuses. The petitioner had fired a shot with a pistol and the bullet hit his left shoulder and another shot was fired towards his friend Rajan which hit left

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side of his chest and thereafter, the assailants had fled away. The injured were taken to the hospital for treatment.

3. As per the further allegations, on 12.08.2024, one Puran Singh approached the investigating officer and got his statement recorded to the effect that on the fateful day i.e. 28.07.2024, he along with his son Ajay Pal was present in his shop when the petitioner armed with a pistol and accompanied by the co-accused as well as 5-6 youths known to him, had came there on motor bike and had fired a shot at him with an intent to kill him. He had narrow escape. All of them extended beatings to him and on clamour being raised, they had fled away after taking cash amount of Rs. 75,000/- from his shop. The petitioner was arrested on 22.05.2025. The remaining accused were also arrested subsequently. Investigation now stands completed. The petitioner along with the co-accused is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The provisions of Section 109 of the BNS are not at all attracted in this case as no injury alleged to have been sustained by the victims, has been opined to be dangerous to life. There is no medico legal report or opinion from any government institution with regard to the nature of injuries sustained by the victims. The victims were treated at a private hospital. No medico legal report or any other record from the private hospital forms part of the challan report. No recovery has been effected from the petitioner. He has a permanent abode. There are no chances of his absconding. He is in custody since long. No useful purpose would be served by detaining him in

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custody anymore. The trial will take considerable time to conclude. It is, thus, argued that the petition deserves to be allowed.

5. *Per contra*, learned State counsel while relying upon the status report has argued that there are serious and specific allegations against the petitioner. He by conniving with the co-accused had fired shots upon the complainant and his friend Rajan Singh. Both of them had sustained injuries. The injury sustained by victim Rajan Singh was a firearm injury and this fact has been corroborated by the medico legal report of both the injured. There is nothing on record to show that there would be any undue delay in conclusion of the trial. There are chances of his absconding, intimidating the witnesses or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner along with the co-accused and in connivance with them, is alleged to have fired shots upon the complainant and his friend Rajan Singh with intent to kill them. Though as per the status report, the medico legal reports of the victims show that they had sustained injuries, however, during the course of arguments, learned State counsel has very fairly submitted that no such report is part of the challan report. It is only on through assessment of the evidence to be produced during trial that any conclusion as to the petitioner's using any firearm and the victims sustaining any firearm injuries can be drawn. Though the allegations make out a *prima facie* case for commission of subject offences as against the petitioner, however, he has been

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in custody since 22.05.2025. Investigation now stands concluded. There are no chances of conclusion of trial in near future as no prosecution witness has been examined so far. As such, no fruitful purpose would be served by detaining him in custody anymore. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentence and that bail is the rule and jail is an exception. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. Taking into consideration the nature of the subject offences, the period spent by the petitioner in custody and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

9th April, 2026
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No