



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-9122-2026
Date of Decision : 20.03.2026

SUJAL

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Manuj Nagrath, Advocate
for the petitioner.

Mr. Gurdeep Singh, AAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This is the second petition for grant of bail under Section 483 BNSS filed by petitioner, a co-accused in case bearing FIR No.155 dated 27.07.2024 registered against him and others, u/s 109, 351(2), 191(3), 190 of BNS and Section 25 of Arms Act, at Police Station Sadar Khanna, District Ludhiana. The earlier bail petition filed by petitioner before this Court, was withdrawn by him on 29.07.2025.

2. Facts necessary for disposal of this petition have been taken from para 3 of the Status report dated 18.03.2026 filed by way of affidavit of Mr. Vinod Kumar, Deputy Superintendent of Police, Police District Khanna, District Ludhiana.

Manveer Singh (complainant) s/o Avtar Singh, r/o Ward No.11, Doraha, Police Station Doraha, District Police Khanna, studying in AS College Samrala Road, Khanna, set the criminal law in motion by filing a complaint



pointing therein that at about 1:30 PM on 27.07.2024, he along with his friends Harvinder Singh and Gurvinder Singh was returning after playing volleyball from the college ground of A.S. College, Samrala Road, Khanna. When they reached near the water tap situated near the ground, co-accused - Ajay Singh and Jatin Monga @ Trendy started abusing them over a trivial issue. Thereafter, co-accused Jatin Monga @ Trendy took out a pistol and started firing at the him (C) with the intention to kill him. In the meantime, accused Krishna Sahni @ Laddu, who was also armed with a pistol, arrived at the spot and also started firing indiscriminately towards him (C) and his companions. Due to the said firing, one bullet hit the Manveer Singh (C) on his left bicep, while another bullet struck college peon Husan Lal, who was present nearby, causing serious injuries. The accused persons thereafter fled from the spot in a car in which Lovepreet Singh @ Love and Gurpreet Singh @ Jass @ Bachi were also present. With this backdrop, he requested the police authorities to catch hold of the assailants and to initiate criminal proceedings against them.

On the basis of said complaint and Medico Legal Report, a formal case vide FIR No.155 dated 27.07.2024, u/s 109, 351(2), 191(3), 190 of BNS and Section 25 of Arms Act, was registered against present petitioner and other accused. As per medico legal report of complainant-Manveer Singh, two injuries were found on his person. The other injured - Husan Lal, college Peon, who was also Medico Legally examined, suffered 03 injuries. But his condition being serious, he was referred to PGIMER, Chandigarh. During the course of investigation, site of incident was inspected. CCTV footage and other electronic evidence were also taken into possession.

Apart from supplementary statement of complainant, where petitioner was named as one of the assailants, his name cropped up in the disclosure statement of co-accused Gurpreet Singh @ Jass @ Bachi, who was arrested on 04.08.2024. Present petitioner was also arrested on the same day.



3. Petitioner/accused moved an application for grant of bail before the learned Additional Sessions Judge, Ludhiana. The same was dismissed vide order dated 14.02.2025. From the documents on record, it emerges that first petition, filed before this Court, seeking similar relief was dismissed as withdrawn by him on 29.07.2025. As noted above, this is the second petition for grant of bail filed by the petitioner.

4. Learned counsel for the petitioner contends that petitioner, who was not named in the FIR, has been falsely implicated in the present case only on the basis of supplementary statement of complainant, which was recorded after a period of 05 days. In any case, the only role attributed to the petitioner is that he had arrived at the site along with other accused, some of whom were armed with weapon (pistol etc.). After the shots were fired, petitioner, who was not armed with any weapon and was sitting in the car, fled away along with other assailants. Admittedly, petitioner did not participate in the incident. No specific injury/overt-act has been attributed to him.

Learned counsel for the petitioner has also placed on record a copy of order dated 17.02.2026 passed in CRM-M-63318-2025, vide which similarly situated co-accused, namely, Lovedeep Singh @ Lovepreet Singh @ Lovejeeet Singh @ Lavi Mann was extended the concession of bail by a co-ordinate Bench of this Court. It has been prayed that on the grounds of parity similar treatment be meted out to the present petitioner.

In view of submissions advanced hereinabove, learned counsel prays to take lenient view in favour of the petitioner, who has been in custody since 04.08.2024, as the prospect of trial being concluded in the near future is quite remote, for none of the prosecution witnesses have been examined. When viewed



in the factual scenario of the case in hand, further incarceration of petitioner would not serve any useful purpose as the same would be violative of his fundamental rights guaranteed under Article 21 of the Constitution of India. Further, as per learned counsel, petitioner undertakes to abide by all the conditions so imposed by the Court, while extending the concession of bail to him. Prayer for allowing the petition has been made.

4. *Per contra*, while referring to the Status Report dated 18.03.2026 by way of affidavit of Mr. Vinod Kumar, Deputy Superintendent of Police, Police District Khanna, District Ludhiana, learned State counsel has opposed the request for grant of bail on the ground that petitioner was a member of an unlawful assembly of accused persons, who all with their '*common intention*', had arrived at the site to unleash an attack on complainant. While petitioner was sitting in the car, his other associates, who were armed with pistols etc., fired shots in the college, as a consequence of which apart from complainant, one of the Peon Husan Lal also suffered gun shot injuries. Though, learned State fairly admits that till date, none of the prosecution witness have been examined. It has been prayed that the manner in which the offence was committed, as also taking note of the fact that complainant/injured and other related witnesses have not been examined, no case for grant of bail is made out, for if extended the concession of bail, the likelihood of petitioner overawing them and fleeing from the process of justice by not appearing in the Court is quite high. Dismissal of the petition has been prayed for.

5. I have heard the learned counsel for the parties and with their able assistance, perused the record available on record.

6. It is settled principle that grant of Bail is the rule and jail is the



exception. Hon'ble Supreme Court in "**Gurbaksh Singh Sibbia V. State of Punjab**", ((1980) 2 SCC 5) held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in [Gudikanti Narasimhulu v. Public Prosecutor](#) [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

"... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of [Article 21](#) are the life of that human right."



29. In Gurcharan Singh v. State (Delhi Administration) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29 “There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In *AMERICAN JURISPRUDENCE* (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”

In ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012(1) RCR (Criminal) 586***, Hon’ble Supreme Court upheld the order of the High Court in granting bail to the second respondent/accused on the ground that he had been in custody for a long period and the possibility of the trial being concluded in the near future was remote.

In view of the settled proposition of law, submissions advanced by the learned counsel for the petitioner, the role attributed to petitioner but without advertng to the merits of the case, lest it may prejudice the trial, this Court is of the opinion that further detention of the petitioner (who has been in custody since 04.08.2024), would not serve any useful purpose, as the same, without the prospect of trial being concluded in the near future, for none of the prosecution witness have been examined till date, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of *“Bail is a general rule and incarceration is*



*an exception” as held by Hon’ble Supreme Court in **Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety to the satisfaction of the learned Duty Magistrate/trial Court concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

Accordingly, the present petition is allowed and it is made clear that



in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

20.03.2026
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No