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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on :10.03.2026

Sukhpreet Singh alias Sukh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. R.C. Sharma, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr.DAG, Punjab.

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SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.10 dated 31.01.2024, under Sections 307, 34 IPC and Section 25 of Arms Act, registered at Police Station Lohian, District Jalandhar Rural.
2. Noticing the contention of petitioner's counsel, following was recorded vide order dated 28.10.2025:

“i) As per the allegations, petitioner-Sukhpreet Singh @ Sukh, fired two shots at the complainant/injured, Rahul Chawla, one of which struck the complainant/injured in the stomach. In this regard, Board of Doctors informed the SHO of Police Station Lohian that, “Exploratory laparotomy was performed for the injury on the evening of 30.01.2024, and the injury corresponds to a firearm injury. Therefore, as per the Board of Doctors, the nature of the injury is declared grievous due to a firearm.”

ii) Learned State counsel has filed short reply by way of affidavit of Onkar Singh Brar, PPS, Deputy Superintendent of Police, Sub Division Shahkot, Jalandhar (rural) alongwith custody certified in Court



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today. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book

iii) From the custody certificate, it is noticed that, apart from the instant case, petitioner is facing three other cases. The details of these three cases are as follows:

i) FIR No. 28 dated 23.02.2024, under Section 21-C/61/85 NDPS Act and Sections 25/54/59 Arms Act, registered at Police Station Shahkot;

ii) FIR No. 116 under Sections 307, 394, 459, 386, 323, 397, 34 IPC and Sections 25, 27/54/59 Arms Act, registered at Police Station Lohian

iii) FIR No. 132 dated 31.08.2023, under Section 25 of Arms Act, registered at Police Station Sadar Hoshiarpur.

In the other two cases, namely FIR No. 76 dated 07.05.2020 under Sections 325/324/323/341/34 IPC, registered at Police Station Mehatpur, and FIR No. 141 dated 04.07.2020 under Sections 21/61/85 of the NDPS Act, registered at Police Station Lohian, petitioner has been acquitted.

iv) Learned counsel for the petitioner argues that, in fact, complainant/injured has not come forward to get the statement recorded despite the issuance of non-bailable warrants. The next date fixed for recording the statement of the injured/complainant is 10.12.2025.

v) List on 22.12.2025.

vi) The concerned trial Court and District Attorney are directed to ensure that the statement of the said witness is recorded before the next date fixed before this Court.

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vii) Let a copy of this order be sent to the concerned trial Court for information and necessary compliance.”

3. Continuing with the submissions, learned counsel for the petitioner argues that injured witness-Rahul Chawal, was examined as PW-2 on 20.02.2026. During his examination-in-chief, he has clearly stated that he does not know who caused the firearm injury to him. To substantiate these submissions, learned counsel has produced a copy of the order dated 20.02.2026 recording the examination-in-chief, passed by the learned Judge, Special Court, Jalandhar. Relevant part of the order is reproduced hereunder:

“ PW-2 Rahul Chawla recalled for further examination in chief.

On SA

I know English and my statement be recorded in English

Stated that I never recorded any statement to the police against Gurbaksh Singh @Juj, Sukhpret singh @ Sukh and Akash deep Singh that they gave injuries to me with pistol. Police got my signature on blank papers. However I identify my signature on Ex.PW-1/A at Point A. However on dated 30.01.2024. I got injuries by the bullet but I do not know who was the assailants persons. I was admitted at Civil Hospital at Nakodar with the injury. I do not know who caused injury to me with the pistol.

At the stage the Ld. Addl. PP for the State requested that witness is suppressing the true facts from the Court So he may kindly be declared hostile and allow the Addl. PP to cross examine the witness.

Request Heard and allowed.”

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4. On the other hand, learned Sr. DAG is unable to controvert the position as explained by the petitioner; however, he submits that one more eyewitness, namely Gaurav Chawla, is yet to be examined and, therefore, prays for dismissal of the present petition.

5. I have heard learned counsel for the parties and perused the paper book along with the documents appended thereto.

6. Considering the fact that the petitioner is in custody for a period of last one year and eleven months, and that the most material witness, namely Rahul Chawla, who allegedly suffered injury at the hands of the petitioner, has already been examined, this Court noticed that out of a total of 26 prosecution witnesses, only 01 witness, i.e., PW-2 Rahul Chawla, has been examined. Since he has not categorically implicated the petitioner, and the remaining allegations can be considered after examining other relevant evidence, this Court does not find any reason to continue the detention of the petitioner. Accordingly, present petition is allowed.

Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.



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8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

10.03.2026

Rashmi

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*