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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.14569 of 2026

Sukhdev Singh @ Hara ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	12.05.2026
2.	The date when the judgment is pronounced	14.05.2026
3.	The date when the judgment is uploaded on the website	14.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vinod K. Kaushal, Advocate,
for the petitioner.

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

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 cross version recorded vide DDR No.30

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dated 08.01.2024 under Sections 307, 323, 324, 160, 148 and 149 of IPC and Sections 25 and 27 of Arms Act, 1959 (For short “Act, 1959”) (Sections 212, 216, 120-B and 201 of IPC added later on) in case arising out of FIR No.132 dated 13.11.2023 registered under Sections 302, 307, 160, 323, 324, 148 and 149 of IPC and Sections 25 and 27 of Act, 1959 (Sections 212, 216, 120-B and 473 of IPC added later on) at Police Station Division D, District Police Commissionerate Amritsar.

2. As per the allegations, on the intervening night of 12/13.11.2023, on receipt of an information qua an altercation having taken place between the members of two groups; one headed by accused Parmod Kumar @ Laddi and the another by Shamsher Singh Shera @ Gargaj Singh, a police party had rushed to the spot of occurrence. It was informed that exchange of firearms and deadly weapons had taken place between the members of the rival groups and the dead body of one Arun Kumar was found lying. Some persons had also sustained injuries in the same incident. FIR was registered. Investigation proceedings were initiated. On 08.01.2024, cross case bearing DDR No.30 was registered against the members of group of co-accused Shamsher Singh. Accused Shama Singh @ Shama Don was arrested. He suffered disclosure statement to the effect that after the occurrence, the accused Shamsher Singh @ Shera had handed over one countrymade pistol without magazine to him on 12.11.2023 for keeping the same in concealment and that he had handed over the said pistol to the present petitioner for keeping the same. He disclosed that the said weapon

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was subsequently recovered by the police from the possession of the petitioner in case bearing FIR No.03 dated 08.01.2024 registered at Police Station C-Division Amritsar. The petitioner was nominated as accused. He was arrested in the cross case on 10.08.2024. On interrogation, he suffered disclosure statement to the effect that the accused Sham Singh had called him at his house after the Diwali festival and while disclosing that his companion Shamsher Singh had fired shots upon the members of group of Parmod Kumar @ Laddi and had given him a countrymade pistol without magazine for keeping with him and by asking the petitioner to keep that pistol with him, he had kept the said countrymade pistol without magazine with him and that the said pistol was taken into possession by the police in case bearing FIR No.03. Investigation qua the petitioner stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused Shama Singh @ Shama Don which cannot be considered to be admissible in evidence. He was neither named in the FIR or DDR nor any specific overt act has been attributed to him. The ingredients for commission of offence punishable under Section 302 of IPC are not at all attracted against him. He is in custody since 10.08.2024. The investigation stands concluded. The trial will take considerable time to conclude as only 02 out of 37 prosecution witnesses have been examined so far. His further incarceration would not serve any useful purpose. It is, thus, argued that he deserves to be released on bail.

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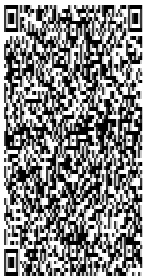


4. Per contra, learned State counsel while relying upon the status report, has argued that the allegations against the petitioner are serious in nature. He was involved in harbouring the co-accused and concealing the weapon used in commission of the subject offences. He was an active participation in the chain of conspiracy and concealment of incriminating evidence connected with the murder of the victim. There are chances of his committing similar offences or absconding, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The role attributed to the petitioner is limited to taking custody of illicit weapon which was allegedly used in commission of offence of murder of the victim and is distinct from the principal homicidal act. He was not named in the FIR/DDR. The linkage sought to be established between the petitioner and the subject crime, primarily rests on the disclosure statement of the co-accused. He is alleged to have harboured the co-accused by facilitating the concealment of a weapon allegedly handed over by the co-accused. This role is distinct and remote offence from the direct commission of offence punishable under Section 302 of IPC. Since the case against the petitioner rests on disclosure statement of the co-accused, this is a matter best left for trial whether the burden of proof and standard of evidence shall be applied rigorously. The petitioner is in custody since 10.08.2024. His continued pre trial incarceration is not justified keeping in view the nature of the role attributed to him and the progress of the trial.

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7. For the foregoing discussion particularly the limited role as attributed to the petitioner, this Court is of the considered opinion that the further detention of the petitioner would not serve the ends of justice. Accordingly, the petition is allowed and the petitioner is 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.
8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

14.05.2026
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(MANISHA BATRA)
JUDGE

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