

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:079988



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CRM-M-20867-2026 (O&M)

Date of decision:20.05.2026

Amarnath @ Sonu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. M.S. Batth, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Pujab.

Mr. Jagdish Singh Johal, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for grant of regular bail in case arising out of FIR No.34 dated 04.02.2026, registered under Section 109 of the BNS and Sections 24 and 27 of the Arms Act, at Police Station Baghapurana, District Moga.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Jashanpreet Singh, alleging therein that on the evening of 04.02.2026, he had gone to a marriage palace at Baghapurana to pick up his friend Sukhdeep Singh @ Mintu, who had gone there to attend some marriage function. He found the petitioner to be present there. The petitioner had some previous enmity with Sukhdeep Singh and within his presence, he (the present petitioner) started using abusive

language towards both of them. The complainant and his friend tried to stop him but then he took out a pistol from the boot of his vehicle and fired shots at both of them with an intent to kill them. One of the bullet hit him due to which he had fallen down. The petitioner then fled from the spot. The complainant had been rushed to the hospital by his friend and prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. On the same day, on receipt of a *ruqa*, statement of the petitioner had also been recorded and a General Diary No.19 was registered at 06:20 P.M. by way of cross case. During the course of investigation, the petitioner was arrested 05.02.2026. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in the case. It is a case of version and cross-version and a cross case has been registered against the members of the complainant party. Infact, on the fateful night, the complainant accompanied by Sukhdeep Singh @ Mintu had intercepted him, opened attack upon him and launched a brutal attack upon the petitioner and his family members, thereby putting their lives in imminent danger. They were armed with deadly weapons. It was only in the exercise of his right of private defence and to save himself that the petitioner had used his licensed weapon as the measure of deterrence. The complainant had sustained a injury on a non-vital part of his body which has not been opined to be dangerous to life. This injury was incidental and not intentional. The petitioner himself is a victim of aggression. He is in custody since long. Now a compromise has also been arrived at between the parties with the intervention of respectables of the

society and the complainant has no objection, if he is extended benefit of bail. A petition seeking quashing of FIR on the basis of said compromise has already been filed. His further detention would not serve any useful purpose. The trial will take considerable time to conclude. He is not required for further investigation purpose. The weapon used by him was his licensed weapon. It is, therefore, argued that the petition deserves to be allowed.

5. Memo of appearance on behalf of the complainant has been filed and learned counsel has not controverted the pleas as taken by learned counsel for the petitioner and has not resisted the same while affirming the factum that a compromise has been arrived at between the parties.

6. Per contra, learned State counsel has argued that there are serious allegations against the petitioner, who made an attempt to kill the victim by using a firearm. It is further argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit of bail.

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

8. The petitioner is alleged to have made an attempt to kill the victim by firing shots with a pistol upon him. Though, the allegations as levelled against the petitioner make out a *prima facie* case for commission of subject offences by him and though, much relevance cannot be given to the factum of any compromise having been arrived at between the parties, however, the petitioner would not be required for the purpose of further investigation, since the same stands completed and challan has also been filed before the Court concerned. The trial will obviously take considerable

time to conclude. No useful purpose would be served by detaining the petitioner in custody anymore. The well settled proposition of law is that pre-trial incarceration should not be replica of post-conviction sentencing. The object of the jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. In view of the above discussed facts, the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent-State to seek redressal by filing an application seeking cancellation of bail.

10. It is, however, clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

11. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

20.05.2026

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE