



CRM-M-44711-2025
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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119
Gurbhej Singh
State of Punjab

CRM-M-44711-2025
Decided on :20.03.2026
... Petitioner(s)
Versus
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Meena, Advocate for
Mr. Amit Arora, 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.159 dated 28.12.2024, under Sections 309(2), 62 of BNS and Section 25 and 27 of Arms Act (offence under Section 27 of Arms Act stands deleted and offence under Section 238 of BNS added later on), registered at Police Station Sadar Patti, District Tarn Taran.

2. As per the allegations, when the complainant, Manpreet Singh, was riding his motorcycle bearing registration No. PB-02-CF-1126 on 28.12.2024, he was intercepted by the accused persons, who attempted to snatch his motorcycle. During the said process, one of the accused, armed with a 12 bore rifle, which discharged accidentally during the scuffle and hit the foot of the complainant. After leaving the rifle at the spot, the accused fled. During investigation, two live cartridges were also recovered.

3. With regard to the invocation of Section 307 IPC, learned counsel for the petitioner submits that the shot was fired accidentally,

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resulting in an injury on the foot of the complainant. It is argued that had there been any intention to commit murder, the accused would have targeted a vital part of the body. It is further submitted that the injury in question is attributed to co-accused Bhupinder Singh.

4. Admittedly, incident occurred during a scuffle while the motorcycle was being snatched, and there was every opportunity for the accused to fire at vital parts such as the chest, head, or abdomen; however, no such attempt is alleged. Petitioner is in custody for a period of last more than 01 year and 02 months.

5. On being asked, learned counsel for the petitioner submits that although the challan was presented in March 2025, the recording of prosecution evidence has yet to commence. It is thus contended that the trial is likely to take considerable time. Accordingly, learned counsel prays for the grant of regular bail to the petitioner.

6. Learned State counsel, while producing the custody certificate, confirms that petitioner has undergone incarceration for a period of 01 year, 02 months, and 2 days. However, it is submitted that, as the petitioner is involved in several other criminal cases, he is not entitled to the concession of bail. Accordingly, learned State counsel prays for dismissal of the present petition.

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

9. In view of the fact that the injury in question is attributed to the co-accused, petitioner is in custody for a period of more than one year, the recording of prosecution evidence has yet to commence, and the

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trial is likely to take considerable time, this Court is of the considered view that no useful purpose would be served by keeping the petitioner in further custody.

Accordingly, without expressing any opinion on the merits of the case, the 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.

10. 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.

11. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

20.03.2026***Rashmi***

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No