



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

121

CRM-M-56879-2025 (O&M)

Date of decision: 25.02.2026

Heera Singh @ Hira Singh

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Ritesh Pandey, Advocate for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. This second petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.89 dated 26.05.2025, registered under Section(s) 103, 109, 111, 248, 253, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25, 27 of the Arms Act, 1959 at Police Station Ghoman, District Batala.

2. Briefly summarized, the facts of the present case are that on 26.05.2025, the police party received a secret information to the effect that gangster Baljinder Singh @ Billa and his associate Gurpreet Singh @ Gora were present in a white colour Endeavour car at Bawa filling station, Sri Hargobindpur where certain members of a rival gang arrived in a black colour Verna car and both the parties fired shots upon each other. It was stated that Gurpreet Singh @ Gora suffered fatal injuries in the shootout and died at the spot and Baljinder Singh @ Billa suffered injuries. The parties fled from there in their vehicles and the instant FIR was registered.

3. The petitioner herein was nominated on the disclosure of Nelson Masih, on 07.06.2025, who stated to the effect that Malkeet Singh @ Mona informed him over the phone that the petitioner herein had arranged the stay for the shooters at his house at the instance of Jaggu Bhagwanpuria.

4. Learned counsel appearing on behalf of the petitioner contends that there is no attribution against the petitioner other than that of harboring the co-accused. He contends that the petitioner was taken in custody on 10.06.2025 and his confessional statement was recorded, which reads as under:-

“xxxxxxx On 13-06-2025, the accused Hira Singh disclosed that "he had a monetary dispute with RK Agent of Dhariwal city regarding sending him abroad. I staged a protest (dharna) outside the house of RK Agent in Dhariwal for not returning the money. During this time, acquaintances of RK Agent, Malkit Singh @ Mona s/o Kulwant Singh r/o Sangrai and Parvez Masih r/o Kohali, met me. They intervened and got me refunded Rs. 2,40,000. Due to this, Malkit Singh @ Mona and Parvez Masih became my acquaintances and we started meeting. On 26-05-2025, I was coming from Dhariwal city to my village when Malkit Singh @ Mona made a WhatsApp call to me and said that two of his men are coming to you, who have come after a land dispute. Keep them at your house for 2 days. I said okay. In the evening, around 7 PM, two young men came in a Verna car, whom I do not recognize. They drank water at my house and after a short while, a woman in our extended

family passed away. I told them that I have to go there, so you should leave, and they left. Later I came to know that these two young men had come after firing shots in Ghuman, in which one person died due to gunshot injuries and one was injured. I do not know the names and addresses of the two young men who came to my house. Malkit Singh @ Mona can tell about this. Malkit Singh Mona also made me break my mobile phone and had it thrown into the canal.”

5. Referring to the above, it is contended that the petitioner was requested by Malkit Singh @ Mona and Parvez Masih residents of Kohali, who had earlier helped him in getting his money back from one R.K. Agent of Dhariwal City, to give shelter to two boys at his house for two days and accordingly the said two persons had come to his house in a Verna car and had stayed there for a short while. However, the petitioner had to go out of station as there was a death in his extended family and, therefore, he asked the two boys to leave. It is contended that, till that point of time, the petitioner was, not aware of the antecedents of those two young co-accused. He contends that there is nothing available on record, on the basis whereof, it may be attributed that while harbouring the two boys, the petitioner was aware of the crime committed by them. Hence, arguable issue would arise to determine the *mens rea* of the petitioner for the offence of harboring the two co-accused. He contends that the petitioner is not involved in any other case and has undergone an actual custody of more than 08 months.

6. The aforesaid facts have not been disputed by the learned State counsel.

7. Having heard the learned counsel for the parties and taking into consideration the aforesaid facts and circumstances including the period of actual custody undergone by the petitioner, his clean antecedents, the nature of allegations levelled against him coupled with the arguable issues that arise with respect to the substantive offence being adduced against the petitioner, and further bearing in mind that the trial is likely to take a long time to conclude, I deem it fit to allow the instant petition.

8. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

25.02.2026

Mangal Singh

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