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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-58003-2025 (O&M)
Date of decision : 20.02.2026

Harish Kumar **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Harpreet Maini, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No.12 dated 27.01.2024, registered under Sections 302, 307, 325, 323, 506 and 34 of IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Malout, District Sri Muktsar Sahib.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 26.01.2024, after receipt of an information by ASI Prabhjot Singh regarding admission of injured Kulwinder Singh in Civil Hospital, Malout due to sustaining firearm injuries, a police party immediately reached there. The statement of injured Kulwinder Singh could not be recorded as he was declared unfit to make any statement by the treating doctors. Thereafter, the statement of complainant Gurpreet Singh was recorded, who alleged that on the same day, he was present at village Aulakh along with his family in connection with a marriage

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fixed in the family of his maternal father-in-law Kulwinder Singh. It was alleged that Kulwinder Singh had pending freight charges to be received from the present petitioner, who was running a sand and gravel business at village Aulakh. On the said day, Kulwinder Singh contacted the petitioner on telephone and requested release of the pending amount, whereupon the petitioner abused him and asked him to come to his shop. Thereafter, at about 2.30 p.m., the complainant and Kulwinder Singh went to the shop of the petitioner and Manish Chhabra. The petitioner was present inside the shop, while co-accused Manish Chhabra was standing outside. When Kulwinder Singh questioned petitioner about the abusive language used on the phone, both the accused became furious and started abusing them. During the course of the altercation, co-accused Manish Chhabra allegedly took out a pistol from his pocket and, with an intention to kill, fired a shot at Kulwinder Singh, which struck him on the left side of his abdomen. The complainant and the injured then ran out of the shop. It is further alleged that the petitioner raised a loud alarm threatening to teach them a lesson for demanding the pending freight charges, chased Kulwinder Singh, pushed him to the ground and fired another shot at him, which hit him near the upper side of his right ear, causing him to lose consciousness. Both the accused thereafter fled from the spot with their pistols towards the bus stand of village Aulakh. In the meantime, several persons from the locality gathered at the spot. The complainant arranged a vehicle and took the injured Kulwinder Singh to Civil Hospital, Malout, from where, after first aid, he was referred to GGS Medical College, Faridkot. Initially, a case under sections 307, 325, 323, 506 and 34 of IPC and Sections 25 and 27 of the Arms Act, 1959 was registered. Injured Kulwinder Singh succumbed to the injuries on 01.02.2024. Accordingly, offence under Section 302 of IPC was

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added. The petitioner was arrested on 02.02.2024. Co-accused Manish Chhabra was also arrested on the same day. They suffered disclosure statements admitting their involvement in the subject crime. Investigation now stands completed and challan has been filed. The petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 02.02.2024. He has clean antecedents. The complainant Gurpreet Singh has stepped into witness box as PW-6 before the learned trial Court and has not supported the prosecution version. He was declared hostile. Conclusion of trial is likely to take considerable time as only 05 out of total 40 prosecution witnesses have been examined so far. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that the allegations against the petitioner are quite serious in nature. He along with co-accused had fired gunshots upon the victim, who had died. Merely because the complainant has not supported the prosecution version, the petitioner does not become automatically entitled to grant of bail as a large number of prosecution witnesses are yet to be examined and if he is released on bail, there is a strong apprehension that he may influence or intimidate the remaining witnesses or tamper with the evidence. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner along with the co-accused is alleged to have fired

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gunshots upon Kulwinder Singh, resulting in firearm injuries, to which the victim later succumbed. The petitioner has placed on record sworn deposition of PW-6 Gurpreet Singh, who is complainant of the case as well as sole eye-witness to the occurrence, as Annexure P-2, a perusal of which reveals that he has not supported the prosecution version and has not implicated the petitioner in commission of subject offences. Rather, he is shown to have stated that while returning to his village on 26.01.2024, he received a telephonic call from Narinder Kaur, who informed him that two groups of unknown young boys were fighting near Guru Nanak Hospital and that some stray bullets hit Kulwinder Singh, rendering him unconscious. A perusal of the record also reveals that the trial is substantially delayed as out of a total of 40 prosecution witnesses, only 05 have been examined so far, which indicates that the trial is likely to take a considerable time to reach its conclusion. The petitioner has been in custody since 02.02.2024. He has clean antecedents. There is nothing on record to suggest that he is likely to abscond or that he would misuse the concession of bail. The apprehension expressed by the learned State counsel regarding the petitioner's influencing or intimidating the remaining witnesses can be adequately taken care of by imposing stringent conditions while granting bail. It is a settled principle of law that bail is the rule and jail is an exception and an under-trial cannot be subjected to prolonged incarceration merely on account of the nature of allegations, especially when the guilt of the accused is yet to be adjudicated. Keeping in view the nature of the evidence which has come on record, the period spent by the petitioner in custody and the attendant facts and circumstances of the case, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The

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petitioner is ordered to be released on regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall deposit his passport, if any, with the learned trial Court and shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

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

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

20.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No