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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-60442-2025 (O&M)

Date of decision: 13th January, 2026

Jagdeep Singh @ Daula

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Puneet Sharma, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

CRM-50685-2025

This application has been filed by the applicant for placing on record the latest medical certificate of the wife of the petitioner as Annexure P-4.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. Annexure P-4 is ordered to be taken on record.

Main case

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 17 dated 11.02.2024 registered under Sections 389, 307, 506, 482, 411 and 120-B of

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IPC and Sections 25(6) and 27 of Arms Act, 1959 at Police Station Mahilpur, District Hoshiarpur.

2. The aforementioned FIR was initially registered against unknown persons on the basis of statement recorded by the complainant Harjot Singh alleging that in the morning of 11.02.2024, he was present in his shop when three youths with covered heads and faces came outside the same on a motor bike. They started firing shots with some firearms at the flax board of the shop, handed over a slip to his assistant Ravi Kumar and then while firing shots towards him with an intention to kill, they fled. The slip contained a writing “Kaushal Choudhary Group 5 Crore W.No +393533401161”. After registration of FIR, investigation proceedings were initiated.

3. As further alleged, the motor bike used at the time of occurrence was recovered during the course of investigation. The co-accused Davinder Pal and Rohit Kumar were arrested. It was revealed that Kaushal Choudhary and Sourav Choudhary had formed a gang for extortion of money and the members of the same used to extort money by extending threats to rich people and by overawing them and the members of their gang had fired shots outside the shop of the complainant with the same intention. The above named persons were however, discharged. Then accused Manisha was arrested, on whose disclosure, accused Banwari was arrested. The accused Banwari too suffered disclosure statement to the effect that he belongs to a poor family and needed money. The accused Banwari suffered a statement on the basis of which co-accused Ghanshyam Vishvkarma had been nominated as an

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additional accused, who too was arrested and suffered disclosure statement. The petitioner was nominated as such on the basis of disclosure statement of the co-accused Kuldeep, who have been subsequently arrested and who disclosed that weapons had been supplied to him by the present petitioner. The petitioner was in custody in another case bearing FIR No. 35 dated 04.03.2024 registered at Police Station Mahilpur, District Hoshiarpur. His presence was secured by way of issuance of production warrants, and he was joined into investigation of this case. He suffered disclosure statement to the effect that on asking of co-accused Gurdeep Singh @ Deepa, he had provided his swift car to the shooters and that he had also harboured the assailants in running away by using his vehicle. His vehicle was already recovered in the aforementioned case bearing FIR No. 35 dated 04.03.2024. Investigation now stands concluded and the petitioner along with the co-accused is facing trial for the commission of aforementioned offences.

4. 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 which cannot be considered to be admissible in evidence. He was not named in the FIR. No recovery has been effected at his instance. He is not required for further investigation. He had allegedly provided logistic support only to the co-accused and was not involved in commission of offence punishable under Section 307 of IPC. His further incarceration would not serve any useful purpose. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. Co-accused Ghanshyam

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Vishvkarma @ Ghansham Vishavkarma has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. Therefore, it is urged that the petition deserves to be allowed.

5. Status report and custody certificate have been filed by respondent-State. Learned State counsel has argued that there are serious and specific allegations against the petitioner, who was an active participant in the occurrence as not only he had harboured the assailants to use his own vehicle but to run away from the place of occurrence and had also provided weapons to them. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, therefore, stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance thereof is alleged to have harboured the persons who had fired shots upon the victims and by providing vehicle to them which was recovered at his instance in some other case. The allegations prima facie make out a case for commission of hatching conspiracy against him, however, he is in custody since 18.06.2025. The trial is likely to take time to conclude as out of 27 prosecution witnesses, none has been examined. No fruitful purpose would be served by detaining him in custody. It is well settled proposition of law that bail is the rule and jail is an exception. It is also well settled that pre-trial incarceration should not be a replica of post-conviction

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sentence. Taking into consideration the above discussed facts this Court is of the considered opinion that a case is made out for release of the petitioner on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and subject to the condition that he will not try to make any contact whatsoever with the complainant and other material witnesses and extend any threat to them and will also not visit in the vicinity of the complainant and the material witnesses, during the pendency of the trial.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

13th January, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |