

2026.PHHC.043029



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-62824-2025

Date of decision: 18th March, 2026

Gurbir Singh @ Arman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vikas Gupta, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

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. 03 dated 10.01.2025 registered under Sections 308(4), 324(4), 324(5), 351(1) and 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 238 and 111 of BNS added later on) at Police Station Khem Karan, District Tarn Taran.

2. The aforementioned FIR was registered on the basis of a statement recorded by the complainant Surjit Singh alleging therein that on the evening of 06.01.2025, he had received a call on his cellphone from an unknown number and on picking up the same, the caller by introducing

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himself as Lakhbir Singh @ Landa from Harike, demanded money from him. When the complainant asked the reason for demanding money, the caller started extending threats. The complainant switched off his mobile phone. On the next day also, he received a *WhatsApp* call from an unknown number which he did not respond. In the morning of 10.01.2025, he was informed that there were marks of bullets on the shutter of his shop. On reaching there, he found that two bullets were fired on the shutter and a hand written note was pasted on the shutter. By alleging that the bullets were fired by the members of gang of Lakhbir Singh @ Landa of Harike and ransom money was demanded from him, he prayed for taking action.

3. After registration of FIR, investigation proceedings were initiated. Two live and one empty cartridge were recovered from the shop of the complainant. A pen drive containing CCTV footage pertaining to the occurrence was produced by the complainant on 11.01.2025. On 08.02.2025, while making search for the culprits, Talwinder Singh, brother of the complainant overheard the conversation between Amarjit Singh @ Golu and Sona Singh, who were saying that they were the persons who had fired shots and pasted a threatening letter on the shop of the complainant and were conversating that on receipt of money from the complainant they would purchase a shop. Talwinder Singh followed them discretely and came to know about their identities which were disclosed to the Investigating Agency. The abovenamed Amarjit Singh and Sona Singh were nominated as accused. They were arrested on the same day. The present petitioner was arrested in another

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case bearing FIR No. 350 dated 15.07.2025 registered at Police Station Goindwal Sahib. He suffered disclosure statement to the effect that he along with the co-accused Gurlal Singh, Raja and Gursharan Singh was in contact with a gangster Yadwinder Singh @ Yada. They used to collect information about the cellphone numbers of rich shopkeepers of the area, conducted reece of their shops, houses and shared such information with co-accused Yadwinder Singh @ Yada residing abroad, who used to provide weapons to them and then they used to demand ransom money and collect the same. He also admitted his involvement in this case and was nominated as such in this case as well. He was joined into investigation of this case on 28.08.2025 and was formally arrested. He suffered disclosure statement admitting that on 10.01.2025 along with the co-accused Amarjit Singh, Sona Singh and Gurlal Singh, he had gone on motor bike and had kept vigil, whereas, accused Amarjit Singh and Sona Singh had fired bullets outside the shutter of Rana Juice Bar, Khem Karan, belonging to the complainant. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the disclosure statement allegedly suffered by him in other case and on the disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No material has been collected by the Investigating Agency to connect him with the allegations of this case. He is in custody since 29.08.2025. His involvement in another case cannot be considered to be a reason for denying benefit of bail to him. The

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continued detention of the petitioner will not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

5. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner, who being a member of gang of Lakhbir Singh @ Landa and as per the instructions of Yadwinder Singh @ Yada another gangster of the same gang, had joined the co-accused Amarjit Singh and Sona Singh and had gone to the shop of the complainant and had kept a vigil, whereas, the co-accused had fired shots with an intent to overawe the complainant and to extract ransom money from him by extending threats. The petitioner has criminal antecedents. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is 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 be a member of a gang operated by a gangster Lakhbir Singh @ Landa and is further alleged to be involved in threatening the complainant by joining the co-accused who fired shots outside his shop and raised demand of ransom money. He has been linked with the case on the basis of disclosure statement. It is only on thorough assessment of the evidence to be produced on record that any conclusion as to the petitioner's committing the subject offences has to be drawn. He has been in custody for a period of over six months. Trial will obviously take time as no prosecution witness has been examined so far. The Hon'ble Apex Court has observed in a

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catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It is also well settled that pre-trial incarceration should not be a replica of post-conviction sentencing and that bail is the rule and jail is an exception. The object of jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. Taking into consideration the nature of the subject offences, 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 the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

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 and shall not influence the outcome of the trial.

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

[MANISHA BATRA]
JUDGE

18th March, 2026

Parveen Sharma

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