



CRM-M-62701-2025

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

Sr. No.115

CRM-M-62701-2025
Date of Decision: 26.02.2026

EMANUEL MASIH

...Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Amit Arora, Advocate
for the petitioner.

Mr. H.S. Wadhwa, DAG, Punjab.

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No. 0127, dated 01.06.2025, registered under Sections 109, 333, 324(4), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 and Section 25 of the Arms Act, 1959 at Police Station Ajnala, District Amritsar Rural, Punjab.

2. Briefly stated, the present FIR was registered on the complaint of Pal Singh alleging that on 26.05.2025 at about 6:00 p.m., accused Manpreet Singh @ Manna, Prince, Agyapal Singh, Jodhbir Singh, Sunny, Nirmal Singh, Ghungri and the present petitioner Emmanuel Masih, along with five to six unknown persons, came to his residence armed with pistols, datars and other weapons on motorcycles, Activa scooters and an Innova vehicle. It is alleged that they damaged the main gate with datars and baseball bats, forcibly entered the house and caused damage to household



articles, including a fan and electricity inverter. The complainant along with his wife and son took shelter in an inner room, and upon alarm being raised, neighbours arrived at the spot. While fleeing, some of the accused allegedly fired shots from their pistols towards the complainant's side, with one bullet hitting a water tank. Though the occurrence allegedly took place on 26.05.2025, the FIR was registered on 01.06.2025, with the complainant stating that delay occurred due to threats extended to him. On the basis of these allegations, the present petitioner was nominated and has been in custody since 06.07.2025.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of vague and omnibus allegations, as no specific overt act has been attributed to him and he was allegedly unarmed at the time of occurrence. It is argued that the alleged incident took place on 26.05.2025 whereas the FIR was registered on 01.06.2025 with an unexplained delay of five days. He further submits that no injury has been caused to any person and the allegations primarily relate to house trespass and damage to property, with the firing attributed to co-accused persons. The petitioner has been in custody since 06.07.2025, the challan has already been presented and nothing remains to be recovered from him; therefore, no useful purpose would be served by keeping him in further judicial custody, especially when the trial is likely to take considerable time. It is further submitted that the petitioner is a respectable person of the locality, is not likely to abscond or influence the witnesses, and is ready to abide by any condition imposed by this Court; hence, he deserves to be released on regular bail.



4. Learned State counsel has opposed the prayer for regular bail on the ground that serious allegations attracting the offence under Section 109, BNS (corresponding to Section 307 IPC) have been levelled against the petitioner along with other co-accused. It is submitted that although no injury has been caused to any person, the manner in which the occurrence took place, wherein the accused persons allegedly trespassed into the house of the complainant and fired shots, clearly reflects the gravity and seriousness of the offence. It is further argued that four co-accused are still to be arrested in the present case and, therefore, the petitioner does not deserve the concession of regular bail at this stage.

5. After considering the rival submissions and perusing the material available on record, this Court finds that admittedly it is a case of no injury. Though the offence under Section 307 IPC has been invoked, no person has suffered any gunshot injury and the allegations primarily pertain to house trespass and damage to property. As per the allegations, the petitioner was present at the spot and was armed with a pistol; however, no specific overt act of firing has been attributed to him and no shot is alleged to have been fired by him. The petitioner has been in custody since 06.07.2025, the challan has already been presented and the trial is likely to take considerable time to conclude. In these circumstances, without commenting on the merits of the case and considering the role attributed to the petitioner, this Court is of the view that further incarceration of the petitioner would serve no useful purpose.



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6. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to furnishing adequate bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
7. However, anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. All pending applications, if any, also stand disposed of.

26.02.2026 (MANDEEP PANNU)
Anu JUDGE

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