

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:008778



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CRM-M-63569-2025 (O&M)
Date of decision:21.01.2026

Aman Kumar @ Amna

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhaysher Singh, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. 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.15 dated 12.02.2025, registered under Sections 109, 125, 3(5) of the BNS and Sections 25(6), (7), (8) of the Arms Act (offence under Section 238 of the BNS was added lateron), at Police Station Mehna, District Moga.

2. As per the allegations, on 12.02.2025, the complainant – Balaur Singh along with his family members had gone to attend Akhand Path at Gurudwara Gurdit Singh Kutia Sahib Dhurkot Charat Singh Wala, when he received an information that at about 11:55 am, two muffled faces persons had come outside his house on a platina motorbike and had

fired four shots with some firearm towards his house and fled away. On his complaint, initially, a case was registered against unknown persons. Thereafter, the complainant recorded his supplementary statement on 14.03.2025 and nominated Dharminder Singh @ Bazzi and Rajbir Kaur and then on the basis of his second supplementary statement recorded on 16.03.2025, the present petitioner and Narinder Singh @ Nikka were nominated as an additional accused. The petitioner, who was in custody in some other case, was joined into investigation in this case on 16.04.2025 and was formally arrested. Offence under Section 238 of the BNS was added. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case by the complainant after a gap of more than 01 month of making due deliberation and concoctions and he was not named in the FIR. No specific act has been attributed to him. He is in custody since long. He is not required for further investigation. No useful purpose would be served by keeping him in custody anymore. Trial will take time to conclude. His involvement in other cases cannot be considered to be a ground for denying benefit of bail. It is, therefore, argued that the petitioner deserves to be released on bail.

4. Per contra, learned State counsel, while placing on record status report and custody certificate, has vehemently argued that the allegations against the petitioner are serious in nature. His antecedents are not clean. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore, stressed that the petitioner does not deserve to be released on bail.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner is in custody since 16.04.2025. He is not required for further investigation since challan stands presented. However, trial has not even commenced and obviously, will take time to conclude. No useful purpose would be served by detaining the petitioner in custody anymore. He cannot be denied the benefit of bail, simply because the fact that he is involved in other cases. Pre-trial incarceration should not be a replica of post conviction sentencing. It is well settled that bail is the rule and jail is an exception. As such, a case is made out for release of the petitioner on bail. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case, this petition is allowed and the petitioner is ordered to be admitted to bail, subject to his furnishing personal as well as surety bonds to the extent of two sureties in the like amount each and further subject to the following conditions:

1. He will not try to have contact with the complainant or other material witnesses through phone by himself or through any other person during the pendency of the case, so as to dissuade them.

2. He will appear before the learned trial Court on each and every date of hearing fixed before it except his presence is exempted by learned trial Court.

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

21.01.2026

harjeet

(MANISHA BATRA)
JUDGE

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