IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2026:PHHC:014706

232 **CRM-M-66664-2025 (O&M)**
Date of decision:02.02.2026

Harpreet Singh @ Happy ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Umesh Aggarwal, 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 benefit of regular bail in case arising out of FIR No.118 dated 24.07.2025, registered under Section 25 of the Arms Act, at Police Station Civil Lines, Amritsar, District Amritsar.

2. The aforementioned FIR was registered on 24.07.2025 on the allegations that on the same day, an information was received to the effect that the present petitioner along with co-accused Simratpal Singh @ Simran was in conscious possession of some illicit weapons and ammunition and was riding in a car make Brezza bearing registration No.PB-08-AU-0619 with an intent to commit some crime. Believing the

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secret information to be true, a raiding party was formed, which rushed towards the informed place after sending *ruqa*. The petitioner along with co-accused was apprehended and one .45 bore pistol along with two magazine and 13 live rounds along with the vehicle in which the petitioner along with co-accused, were recovered. The same were taken into custody. However, while the police officials were conducting proceedings, the petitioner grabbed carbine of ASI Kulwant Raj present there with an intent to shot fire with the same upon the members of the police party and to kill them. To save himself, the concerned ASI fired a shot with his service pistol towards the leg of the petitioner, thereby injuring him. He had fallen down on the ground and was formally arrested. Investigation now stands completed and the challan already stands presented.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. No injury whatsoever had been received by any of the police officials rather he had sustained injury and was a victim of police firing. He is not required for further investigation. Trial will take considerable time to conclude. He is on bail in another case as registered against him. It is, therefore, argued that the petitioner deserves to be released on bail.

4. Learned State counsel while placing on record custody certificate of the petitioner has vehemently argued that the allegations against the petitioner are serious in nature. 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

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bail.

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

6. The petitioner along with the co-accused is alleged to have caused obstruction in performance of lawful duty of the police officials when they had apprehended him at the place of occurrence. He is also alleged to have made an attempt to kill police officials by grabbing carbine of one of them while trying to flee away from the spot of occurrence. Allegations make out a *prima facie* case for commission of the subject offences against him. He is, however, in continuous custody for about a period of 06 months and 04 days. There are no chances of the conclusion of trial in the near future. Involvement of the petitioner in other cases cannot be considered to be a reason for denying benefit of bail to him. No police official was injured in the incident rather he himself had sustained a firearm injury. In view of the above discussed facts and circumstances, this Court is of the considered opinion that continued detention of the petitioner will not serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception and pre-trial incarceration should not be a replica of post conviction sentencing. As such, a case is made out for release of the petitioner on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

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7. 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.

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

(MANISHA BATRA)
JUDGE

02.02.2026

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

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