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

145+243

**CRM-5178-2026 in/and
CRM-M No.71812 of 2025
Date of Decision: 04.02.2026**

Sayed Shah Moon @ Moon @ Habibi
@ Sayed Shamoon

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sunny K. Singla, Advocate,
for the applicant-petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Shubham Verma, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

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Heard.

On oral request of learned counsel for the petitioner and in view of the submissions made in the application, offences under Sections 109(1), 191(3), 190 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and Section 25 of Arms Act, 1959 (For short “Act, 1959”) are ordered to be added in the head note as well as prayer clause of the

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petition.

The application stands disposed of accordingly.

Main Case

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
103	14.05.2025	City 1 Malerkotla, District Malerkotla	125 and 351(2) of BNS and 25 of Act, 1959 (109(1), 191(3), 190 and 61(2) of BNS added later on)

2. As per the allegations, on the night of 14.05.2025, the complainant was standing on the roof of his house when the accused Shahil @ Mohd. Sahil @ Bhadewala reached there along with the petitioner and other accused and fired shots in the air towards the complainant and his mother who had a narrow escape. Thereafter, they had left after extending threats to the complainant. After registration of FIR, investigation proceedings were initiated. The petitioner along with the co-accused Mohammad Kaif @ Potia and Mohd. Ali was arrested on 16.05.2025 on the basis of a secret information. One live 8MM cartridge was recovered from the conscious possession of the petitioner and one countrymade pistol was recovered from the scooter in which he was riding. Recoveries of illicit weapons were also effected from the co-accused. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. He is not

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required for further investigation. No useful purpose would be served by keeping him in custody any more. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. More so, a compromise has been arrived at between the petitioner, the co-accused and the complainant and the dispute between them has been resolved. It is, therefore, argued that the petition deserves to be allowed.

4. Status report been filed. It is argued by learned Assistant Advocate General, Punjab that the petitioner is a habitual offender. The allegations against him are serious in nature. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. Power of attorney on behalf of the complainant has been filed and learned counsel has not raised any serious objection to the allowing of the petition and has affirmed that a compromise has been arrived between the parties.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly, he had allegedly fired shots with an attempt to kill the complainant and his family members. However, none had received injury in the incident. The petitioner is in custody since 16.05.2025. Investigation now stands completed. The trial will obviously take considerable time to conclude as no prosecution witness has been examined

so far. The petitioner has placed on record copy of a compromise stated to

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have been arrived at between the parties. Though, this Court is of the opinion that no relevance can be given to this document at this stage, however, the involvement of the petitioner in other cases cannot be considered to be a reason for denying benefit of bail to him. It is well settled proposition of law that bail is the rule and jail is an exception. Even otherwise pre-trial incarceration should not be replica of post-conviction sentencing. Given the nature of the allegations, the period spent by the petitioner in custody and in view of the above discussed facts, this Court is of the opinion that the petitioner has made out a case for release 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 learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) The petitioner shall appear before each and every date of hearing.
- (iv) The petitioner shall provide his permanent address as well as present address before the learned trial Court at the

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time of furnishing of bonds and shall not change the same without informing the trial Court.

(v) The petitioner shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court at the time of furnishing of bonds and in case, any change in his mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance and shall keep his mobile phone switch on all times.

(vi) The petitioner shall deposit his passport, if any, with the learned trial Court.

8. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

04.02.2026
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(MANISHA BATRA)
JUDGE

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