



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

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**CRM-M No.73605 of 2025
Date of decision : 13.1.2026
Date of uploading : 14.1.2026**

Gurpreet Singh alias Gopi**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.S. Bawa, Advocate, for the petitioner

Mr. Hemant Aggarwal, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.82 dated 1.6.2025, under Sections 109, 333, 351(2), 190, 191(2) and 115(2) of Bharatiya Nyaya Sanhita, 2023 & Section 25/54/59 of Arms Act, 1959, registered at Police Station Sadar, District Police Commissionerate Amritsar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Simarjit Kaur, wife of late Malkit Singh, resident of near Khanna Fabric Factory, Ram Nagar Colony, Majitha Road Bypass, Amritsar, age about 39 years, phone number 6284020312, stated that I am a resident of the abovesaid address and work on a sewing machine in my house. I have only one son whose name is Sehajbir Singh, who studies in 10+1 class at Senior Secondary School, Naushera, Majitha Road,



Amritsar. My son Sehajbir Singh goes to the dairy of Bhalle near Gurdwara Baba Ramdas Baba Deep Singh every day to offer services. Like everyday, today also he had gone to offer services at chabeel of Gurdwara Sahib. When he returned home at around 3:00 pm, he had an injury on his head and on the right ear and they were bleeding. When I asked my son about the injury on his head and the bleeding, my son stated that about a month ago, Arshdeep Singh had a fight with Amandeep Aman Singh who is our tenant in the street in front of our house and he had resolved their fight. Because of that, today Chand and an unknown boy stopped me at the corner of the street outside the gurdwara at around 2:30 pm today and started a fight. They said, "Let me give you a taste of the fun of that day. The boy, whose name he doesn't know who came with Chand and hit me on the right side of my head above my ear with a piece of iron bangle in his hand and caused me injuries. I escaped from them and came home. While my son was telling about the whole incident at around 3:15 pm, Vansh, who runs a tattoo shop in the same neighborhood, had an gandasa in his hand and with him, Paramvir Singh, a resident of Ram Nagar Colony, along with a boy named Chand, came to our house on the roof above us, who stood on the stairs of our roof and 2 unknown boys who stood at the gate of the house. That Vansh who stood on the roof and Paramvir Singh said, "Giani, what do you want?" I got up from the sewing machine and asked them, "Why are you coming to our house and fighting with us?" Meanwhile, Paramvir Singh took out a pistol from his pocket. I got scared and told him, "Don't do that." and grabbed Paramvir's right arm. Paramvir Singh fired the pistol with the intention of killing my son. The shot went through my son's legs and hit the corner of the wall. Paramvir Singh then fired a second shot at my son with the intention of killing him. I again grabbed his right arm to protect my son and the second shot also went through my son's legs and hit the corner of the wall. Then Paramvir Singh fired the third shot in the air. I started shouting to save my child. Hearing the shouting, the people of the locality started gathering. Seeing those people gathering, the accused fled from the spot along with their weapons. I was coming to the police station with my son that I have found you. Legal action should be taken against the accused. Sd/-Simarjit Kaur.'

3. Learned counsel for the petitioner has argued that the petitioner



is in custody since 27.8.2025. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, Section 307 of IPC has been invoked primarily on account of 3 fire shots made by co-accused Paramvir Singh but the same have not hit anybody. Learned counsel has further submitted that no specific role has been attributed to the petitioner. Learned counsel has further submitted that the petitioner is only a bystander as per the prosecution version. Learned counsel has further submitted that the petitioner is a young man aged 21 years. Hence, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 12.1.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 27.8.2025 and is in continuous custody since then. Challan, upon culmination of investigation, was filed on 25.11.2025. Total 16 prosecution witnesses have been cited but none has been examined. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing



tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 12.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 4 months and 01 day. As per the said custody certificate, the petitioner is stated to be involved in 10 more cases/FIRs, in one of which he has convicted and in 2 cases he has acquitted. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is



ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

13.1.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No