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

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**CRM-M-14138-2025 (O&M)
Date of Decision: 27.05.2025**

Gursimranpreet Singh Garcha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Parunjeet Singh, Advocate for the petitioner.

Mr. T.P.S.Walia, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present third petition has been filed, under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of bail pending trial to the petitioner in FIR No.37 dated 06.03.2023, registered under Section 307 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'IPC')[Section 120-B added later on]; 25 and 27 of the Arms Act, 1959 at Police Station Focal Point, District Ludhiana.

2. Allegations are that petitioner along with other co-accused formed an unlawful assembly and in prosecution of their common object fired gunshot upon Nikhil (son of *de facto* complainant-Naresh Kumar) with an intention to kill him.

3. Contends that petitioner is in custody since 10.03.2023; final report under Section 173 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C') was presented on 11.05.2023; charges were framed on 04.10.2023, but out of total 20 prosecution witnesses, none has been examined so far.



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Further contends that co-accused, namely, Akashdeep Singh @ Sanju with similar allegations has been granted bail pending trial by this Court on 25.02.2025 in CRM-M-4092-2025.

4. *Per contra*, learned State counsel, on instructions, duly acknowledged the above factual position; but he opposed the prayer on the ground that allegations are very serious.

5. Heard both sides and perused the paper-book.

6. Concededly, petitioner is in custody since 10.03.2023; final report under Section 173 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C') was presented on 11.05.2023; charges were framed by learned trial Court on 04.10.2023, but out of 20 prosecution witnesses, none has been examined till date. Moreover, it is not the objection raised by the State that in case, petitioner is released on bail, he shall influence the witnesses or hamper the course of trial in any manner; thus, further incarceration of the petitioner would not serve any purpose.

7. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

9. The above observations may not be construed as an expression of opinion on the merits of the case.

10. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.



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Pending application(s), if any, shall also stand disposed off.

27.05.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No