



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

226

CRM-M-60997-2024

Date of decision: May 21<sup>st</sup>, 2025

Gursewak Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. A.P.S. Sandhu, Advocate  
with Mr. Ashish Kaushik, Advocate  
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

**MANJARI NEHRU KAUL, J. (ORAL)**

Petitioner is seeking the concession of regular bail in FIR No.68 dated 10.06.2023 registered under Sections 307, 120-B, 34 of the IPC, 1860, Section 25 of The Arms Act, 1959 (Sections 21, 29 of The NDPS Act added later on) at Police Station Khilchian, District Amritsar.

2. Learned counsel for the petitioner submits that even as per the case of the prosecution, petitioner was not present at the time of the alleged occurrence when co-accused Manna, Babaljit Singh and Jugraj Singh fired towards the complainant party injuring the ankle of the wife of the complainant. It has been contended that no suspicion was raised qua the involvement of the petitioner at the time of the registration of the FIR in question and furthermore, the petitioner had no motive to connive with the co-accused to carry out the occurrence in question. It has been submitted that the petitioner came to be nominated

as an accused in the present case subsequently on the second disclosure statement of Jugraj Singh, who too had been named in the disclosure statement of co-accused Babaljit Singh. As per the disclosure statement of co-accused Jugraj Singh, the petitioner allegedly supplied the weapon of offence to him, which was then eventually used to carry out the crime in question. It has been asserted by the learned counsel that after the petitioner was arrested on 15.11.2023, investigation qua him was complete as challan already stands presented. Learned counsel submits that although charges have been framed against two of the co-accused, charges are yet to be framed against the petitioner, hence, it is evident that there is no possibility of the trial concluding in the near future, more so when as many as 32 witnesses have been cited by the prosecution.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he disputed the stage of trial; on instructions from S.I. Bikramjeet Singh, it has also not been disputed that the petitioner came to be as an accused on the basis of a second disclosure statement suffered by co-accused Jugraj Singh and the only role attributed to the petitioner is of having supplied the weapon of offence. It has also not been disputed that the injury sustained by the wife of the complainant with the firearm is on her ankle.

4. On being pointedly asked as to what was the reason behind the delay in the trial, learned State counsel, on instructions, has submitted that two of the co-accused Babaljit Singh and Gurleen Singh have been absenting themselves before the trial Court and non-bailable warrants have also been issued to secure their presence, which is one of

the reasons why the trial has been delayed. Learned State counsel has, however, placed on record the custody certificate of the petitioner and submitted that a perusal of the same reveals that the petitioner is facing trial in six other criminal cases including cases under The Arms Act.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 15.11.2023. No injury much less with a firearm has been attributed to the petitioner nor is it the case of the prosecution that he was accompanying any of the co-accused at the time of the alleged occurrence. The trial has come to a virtual standstill after the challan was presented almost 1½ years back. In the circumstances, the petitioner cannot be made to languish in custody for reason not attributable to him.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned, who may impose any stringent conditions as it deems fit to ensure the presence of the petitioner on each and every date of hearing.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

**May 21<sup>st</sup>, 2025**

*Puneet*

**(MANJARI NEHRU KAUL)**

**JUDGE**

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