



CRM-M-57433-2024

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

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CRM-M-57433-2024

Date of decision: 9th January, 2025

Jagdish Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Joginder Pal Devgan, Advocate for the petitioner
(through video conferencing)

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 67 dated 08.07.2024 registered under Sections 125, 324 and 351 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 25 and 27 of Arms Act, 1959 at Police Station District Batala, District Gurdaspur, Punjab.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of statement recorded by the complainant that on 08.07.2024, two unknown youths fired a shot in the office of his hotel, in his absence and had damaged glass door. He raised suspicion upon Ramesh Kumar and Manjeet Singh. After registration of FIR, investigation proceedings were initiated. The



accused Mehakdeep Singh was nominated as such on the basis of disclosure statement, he was apprehended and suffered disclosure statement on the basis of which the present petitioner was nominated as an accused. He was arrested on 17.07.2024 and he too suffered disclosure statement admitting his involvement in the commission of the subject offences. Investigation stands concluded.

3. The present petition has been filed by the petitioner on the ground and it is argued by his counsel that he was not named in the FIR and has been falsely implicated in this case. He is in custody since long. Trial is likely to take time. The subject offences are not made out against him. The disclosure statement allegedly suffered by him cannot be considered to be admissible in evidence. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that he deserves to be released on bail.

4. *Per contra*, learned Assistant Advocate General, Punjab, has argued that there are serious allegations against the petitioner as he had committed the offence of mischief by firing shot with pistol in the premises of hotel of the complainant. Recovery of weapon of offence has been effected from him. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Accordingly, it is urged that he does not deserve to be given concession of bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. As per the allegations, the petitioner along with co-accused had fired at the premises of the complainant in order to facilitate extortion of



ransom money from him and to overawe him. He is in custody since 17.07.2024. Investigation stands completed. Trial is likely to take time. No useful purpose would be served by detaining him in custody anymore. In view of these facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

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

[MANISHA BATRA]
JUDGE

9th January, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*