



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

CRM-M-28472-2025

Date of Decision:29.07.2025

Sahil Singh @ Sahilpreet Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant of regular bail to him in case FIR No. 107, dated 05.11.2024, registered under Sections 109,3(5) of B.N.S read with Sections 25 of Arms Act and later on enhanced offence under Sections 308(5),238 of B.N.S, Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by Harinder Singh son of Harbhajan Singh and the same has been reproduced below:-

“Statement of Harinder Singh S/o Harbhajan Singh resident of village Rajpura, Police Station Sadar Gurdaspur, District Gurdaspur, aged about 48 years, mobile number 9819460020, Stated that I am a resident of the abovementioned address and working as a teacher in the Punjab Education Department and posted at Bhagtana Boharwala. I am running my shop of commission agent at Focal Point, Ghajnipur under the name and style as M/s Goraya Commission shop. Today on

05.11.2024 at about 05:30 PM, I was standing in front of my shop, in the meanwhile two young boys covered their faces with black clothes came on their motorcycle and started firing on me. I ran away and saved my life. I can identify these boys when they come in front of me. Legal action should be taken against him. Sd/- Harinder Singh Signature Punjabi identify sd/- Jeevan Singh ASI Incharge Police Post Jaura Chhatra Police Station Sadar Gurdaspur Dated 05-11-2024”.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and no person had suffered any injury in the alleged occurrence. Learned counsel next contends that the petitioner has been falsely involved in the present case only on the basis of suspicion and was arrested on 01.12.2024. He next contends that after completion of investigation, challan has been presented against him on 29.01.2025 and charge has been framed against him, however, no witness has been examined so far. By referring to the order dated 18.01.2025 (Annexure P-2) learned counsel submits that Captain Singh @ Kaptain Singh co-accused has been granted the concession of bail by the Juvenile Justice Board, Gurdaspur. Another co-accused Gurjinder Singh @ Gagan has also been granted the concession of bail by this Court vide order dated 02.04.2025 (Annexure P-4).

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had fired the shots on the complainant and one pistol has been recovered from him.

5. I have heard learned counsel for the parties and perused the record carefully.

6. In the present case, admittedly, no person had sustained any injury in the occurrence. The petitioner is stated to be in custody for the last about 08 months and the prosecution has not been able to examine even a single witness so far. Even, the prosecution has failed to prove on record any evidence to show that the petitioner is in a position to tamper with the prosecution evidence. Moreover, the petitioner is a first offender and his further custody will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

29.07.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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