

2025:PHHC:104592



CRM-M-16666-2025 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(215)

CRM-M-16666-2025 (O & M)
Date of decision: 12.08.2025

Vishal

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vaibhav Vats, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 483 of the BNSS, 2023 is for the grant of the regular bail to the petitioner in case FIR No.89 dated 02.11.2024 under Sections 309(4), 309(6), 311, 109(1), 332(b), 115(2) and 3(5) of BNS, 2023 and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Dhakoli, SAS Nagar.

2. The present FIR came to be registered at the instance of Manoj Kumar and reads as under:-

"Statement Manoj Kumar son of Madan Lal, resident of Village Nawan Pind Tapprian, Police Station Balachaur, District Shaheed Bhagat Singh Nagar, presently resident of Liquor Shop, Mamta Enclave, Dhakoli, Police Station Dhakoli, District SAS Nagar, aged about 40 years, Mobile No. 8847600783.

2025:PHHC:104592



CRM-M-16666-2025 (O & M)

::2::

Stated that I am resident of the above address and I am doing private job as Salesman in a Liquor Shop situated at Singla Firm, Near Gopal Sweets, Patiala Road Zirakpur, near the counter in the said Liquor Shop and was preparing the day's sale slip, when at around 11:10 PM, four unknown persons came on a motorcycle outside the Liquor Shop on the road, one of whom was outside on a motorcycle on the road. I stood there and three people got off the motorcycle and came towards the shop, their faces covered with clothes, then two of them came near the counter, one of whom came from behind me and grabbed me by the neck with his left arm and put the pistol in his right hand behind my back and said that whatever you have, take it out and hand it over to me. Then he told the other person to take out the money from the bag, so the other person opened the bag with the money and forcibly took out about Rs. 10,000/- kept in it. The third person stood outside holding a pistol in his right hand and threatened me by showing the pistol in his right hand. When that person started to leave the shop after looting the money, I slapped the person who had put the pistol behind my back. Due to which that person and I fell down the stairs of the basement compound by falling over the grill. Meanwhile, the third person standing outside fired a pistol held in his hand, which hit the wall of the basement ceiling. Meanwhile, hearing the noise, the owner of the compound in the basement, Deepak Sandhu son of Late Gurdev Singh, resident of Flat No. 14-B. Mannat Secure, Pir Muchhalla, Police Station Dhakoli, District SAS Nagar, was coming out of the compound when that third person fired the second shot of his pistol at Deepak Sandhu in the chest. Then I left the said person in fear then those three persons fled from the spot alongwith their weapons and all four of them escaped from the spot by sitting behind the motorcyclist standing outside. All those persons were from head to toe, who

2025:PHHC:104592



CRM-M-16666-2025 (O & M)

::3::

were conversing in Punjabi only, who were of slim and agile body, whose age seemed to be between 20 and 27 years. I do not know the names and addresses of the above persons, but I can identify them if they come across. Appropriate legal action be taken against the above 4 unknown persons. I have recorded my statement, heard, which is correct. Sd/- Manoj Kumar.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No accused has been named in the FIR and as per the statement of the complainant, the identities of the accused persons remain unknown. As the petitioner is in custody since 05.11.2024 but none of the 28 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the allegations against the petitioner are grave. He was arrested on the basis of secret information and a knife was recovered from him. Therefore, he is not entitled to the concession as prayed for. He, however, concedes that the petitioner is in custody since 05.11.2024 but none of the 28 prosecution witnesses has been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 05.11.2024 but none of the 28

2025:PHHC:104592



CRM-M-16666-2025 (O & M)

::4::

prosecution witnesses has been examined so far. In this situation, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Vishal is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case(s) except the cases mentioned in the present petition.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

10. The present petition stands disposed of.

11. The pending application(s), if any, shall stand disposed of accordingly.

August 12, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No