



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

(216)

CRM-M-13373-2026 (O&M)

Date of decision : 11.05.2026

SMALLWELL @SMALVEL@SAM

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Hakikat Singh Grewal, Advocate for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The instant petition has been preferred by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for grant of regular bail in case arising out of FIR No.180 dated 16.07.2023 registered under Sections 307, 34 and 120B of IPC and Sections 25 and 27 of Arms Act at Police Station Jandiala, District Amritsar.

2. The aforementioned FIR was registered on the basis of the statement recorded by complainant Harjit Singh alleging that on 13.07.2023, he along with his friends Amritpal Singh, Sandeep Singh and Gurpreet Singh @ Gopi had gone to Delhi in a vehicle bearing registration number PB-02-AJ-5200 as Amritpal Singh had to give his IELTS examination on the next day. On the night of 14.07.2023, they had come back from Delhi and reached their village at about 10:00 PM. When the complainant was alighting from the vehicle along with his friends, suddenly, two youths reached there on a motorbike. They were



muffled faced and they started firing shots with some firearms towards the complainant and his friends with an intent to kill them. His friends Gurpreet Singh and Amritpal Singh sustained firearms injuries. The bullets also hit their car. Even one passerby Pappu also sustained a firearm injury. On clamour being raised by them, the assailants fled away with their weapons. The injured were rushed to hospital. After registration of FIR, investigation proceedings were initiated. On 12.09.2023, accused Harpreet Singh @ Happy was arrested in FIR No. 243 of 2023. During interrogation, he suffered a disclosure statement admitting his involvement in this case by saying that the Heera Singh @ Hira Singh had introduced him with the co-accused Amri and petitioner, who were gangsters and he had joined their gang. On 13.07.2023, gangsters Amri and petitioner had called himself and Heera Singh @ Hira Singh and had directed them to do recce of Harjeet Singh and Gurpreet Singh and to disclose their locations and on 14.07.2023, after doing recce, they had given information about the location of Harjeet Singh and Gurpreet Singh and then accused Amri and petitioner with muffled faces had come on a motorcycle and had fired shots on Harjeet Singh and Gurpreet Singh with an intent to kill them. The petitioner was arrested on 18.11.2023. He too suffered disclosure statement admitting his involvement in the crime. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused Harpreet Singh @ Happy which cannot be considered to be admissible in evidence. The complainant Harjit Singh has since been examined and has not identified him as one of the assailants. He is in custody for a period of over two



years and 05 months. There are no chances of conclusion of trial in the near future as only 01 out of 21 prosecution witnesses has been examined so far. He is on bail in 03 out of 04 cases registered against him. His involvement in several cases cannot be considered to be a reason for denying benefit of bail to him. The co-accused Heera Singh @ Hira whose case is on similar footing has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, therefore, argued that the petition deserves to be allowed.

4. Status report and custody certificate have been filed. Learned State counsel has argued that there are serious and specific allegations against the petitioner as he was one of the assailants. He has criminal antecedents as he is involved in several other cases. There are chances of his committing similar offences, intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner alongwith the co-accused is alleged to have made an attempt to kill the victim by using firearm. The victim had sustained firearm injury, however, he has since been examined, Annexure P5 is the copy of the sworn deposition of the complainant Harjit Singh which shows that he has not implicated the petitioner for commission of subject offences. The co-accused has been extended benefit of bail. The petitioner is in custody since 18.11.2023. The chances of conclusion of trial in the near future are bleak. No useful purpose would be served by detaining him in custody anymore. The well settled



proposition of law is that bail is the rule and jail is an exception. Pre-trial incarceration should not be replica of post-conviction sentencing. Taking into consideration the above discussed facts, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court, and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, if any furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

7. It is, however, clarified that the observations made herein above is only for the purpose of deciding the present petition and the small shall have no bearing on the merits of the case.

8. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

11.05.2026
Amit Sharma

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