

**In The High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-36503-2021 (O&M)  
Date of Decision:- 22.12.2022

Satwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Ms. Renu Arora, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,  
assisted by ASI Pishor Kumar.

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**GURVINDER SINGH GILL, J.** (Oral)

1. The petitioner seeks anticipatory bail in a case registered vide FIR No.0099, dated 30.7.2021, Police Station Division 1, District Jalandhar, under Section 336 IPC and Sections 25/27 of Arms Act.
2. The case of the prosecution in nutshell is that ASI Narinder Kumar along with his police party was present at Y Point Bhagat Singh Colony for patrolling duty and checking of bad elements. There ASI Narinder Kumar received a secret information to the effect that that Satwinder Singh alias Gopa son of Karnail Singh, resident of Near Singh Sabha Gurudwara, Maqsudan Chowk, Jalandhar along with his unknown companions has created a tumultous atmosphere in the DJ

Party of Manpreet Singh and had fired in air with weapons and the video of said occurrence in which Satwinder Singh alias Gopa is firing in the air, is in circulation and has gone viral.

3. When the matter was taken up for hearing on 13.12.2022, it had been represented by learned counsel for the petitioner that the petitioner was merely carrying a toy pistol which was not capable of firing any bullets and that it is the said toy pistol which is shown in the video recording. This Court had passed the following order on 13.12.2022.

**“CRM-32618-2022**

In view of the reasons mentioned in the application, the same is allowed as prayed for and the CD is taken on record as Annexure P-2 subject to all exceptions.

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While learned counsel for petitioner has maintained a stand that the petitioner had been using a ‘toy gun’ only at the time of occurrence and which has already been handed over to the Investigating Officer, the learned State counsel has vehemently argued that the pistol used at the time of occurrence was a genuine pistol as would be evident from the video footage.

In view of the aforesaid controversy the State is directed to produce the toy pistol stated to have been handed over to the Investigating Officer by the petitioner, on the next date of hearing.

List on 22.12.2022.

Interim directions, if any, to continue. ”

4. Pursuant to directions issued by this Court on 13.12.2022, ASI Pishor Kumar, Police Station Division 1, District Jalandhar has produced the pistol stated to have been recovered from Satwinder Singh (petitioner) in a sealed parcel.
5. Upon directions of this Court, he has opened the said parcel and shown the pistol to this Court. The said pistol has been shown to ASI

Sikandar Raj, No.433, Police Station Payal Khanna, HC Gurdeep Singh No.944, Police Station Jalandhar and ASI Baldev Singh, No.126, Police Station Sadar, Kapurthala, who happen to be present in the Court in connection with some other cases and who all have stated that it is a toy pistol and that no bullet can be loaded in the same. This Court has also examined the said pistol and certainly it is a very light-weight plastic kind of pistol and it is only fire crackers which are loaded in it and it is not such a pistol wherein proper bullets can be loaded or fired from the same.

6. The Reader was directed to arrange for affixation of seal upon said parcel. Mr. Ranjit Singh, Junior Assistant, Confidential Branch was called and who brought seal of Registrar General of this Court. ASI Pishor Kumar was directed to put the pistol back in the container and parcel bag. Mr. Ranjit Singh, Junior Assistant, was directed to seal it and affix a proper lac seal on the same and to hand it over back to ASI Pishor Kumar.
7. The aforesaid parcel has been sealed in the presence of the Reader of this Court and has been handed over back to ASI Pishor Kumar. The specimen of the impression of seal has been retained and is taken on record.
8. In view of the aforestated position wherein the recovered pistol is found to be a toy pistol, the question as to whether the shots allegedly fired were from a genuine pistol or from a toy pistol would be debatable. Though, during the course of arguments learned State counsel also showed a video clipping through his mobile phone

showing the petitioner to be loading and firing from a pistol but this Court upon watching video clipping on mobile phone is unable to say for certainty at this stage, as to whether the same is indeed a genuine pistol or a toy pistol.

9. In any case, nobody is stated to have been injured and the petitioner otherwise enjoys a clean record. In these circumstances, this Court is of the opinion that it is a fit case for grant of anticipatory bail particularly when the petitioner is otherwise is stated to have joined investigation.
10. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 22.9.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
11. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

**22.12.2022**

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**( GURVINDER SINGH GILL )  
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No