



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-48015-2024 (O&M)
Date of Decision: 21.11.2024

NAVCHETAN DEEP SINGH GILL

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Ashutosh Sharma, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of
Cr.P.C. seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
58	23.04.2024	P.S. Ranjit Avenue, District Amritsar	307, 160, 336, 148, 149 of IPC and 25 and 27 of Arms Act

2. Vide order dated 25.09.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 25.09.2024 is reproduced as under:-

“The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.58 dated 23.04.2024 registered under Sections 307, 160, 336, 148 and 149 of IPC and Sections 25 and 27 of Arms Act, at Police Station Ranjit Avenue, District Amritsar.



Brief facts of the case are that on 23.04.2024, a secret information was received by a Police party which was performing patrolling duty that members of two parties were firing at each other with some fire arms with intention to kill. The names of members of both the parties were also disclosed by the secret informer besides disclosing that some of them had sustained fire arm injuries. Believing the secret information to be reliable, a rukka was immediately sent for registration of FIR to the Police Station and the Police party rushed towards the spot from where empty cartridges and blood-stained earth was collected and parcels were prepared. It was informed that two members of those parties namely, Balhar Singh and Arshdeep Singh had sustained bullet injuries and were admitted in Amandeep Hospital. The Police party reached there. One accused namely, Rajinder Singh was arrested. On interrogation, he suffered a disclosure statement to the effect that at the first instance accused Lovejit Singh had fired shots and then there was exchange of firing between members of both the parties. The name of the petitioner was disclosed as being one of the member of party of Lovejit Singh, Balhar Singh and Umed Singh, who had started firing. Investigation is underway. Apprehending his arrest, the petitioner had moved an application for grant of pre arrest bail had been dismissed by learned Additional Sessions Judge, Amritsar vide order dated 02.09.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case only due to being a friend of Balhar Singh, member of the party of the accused. He was not even present at the spot. No role whatsoever had been played by him at the time of occurrence. Neither any injury to any person nor any recovery of weapon



has been attributed to him. He is ready to join the investigation. His custodial interrogation is not required. Hence, it is urged that petitioner deserves to be extended benefit of pre arrest bail.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, submits that there are serious allegations against the petitioner and also seeks time to file status report.

At this stage, Ms. Kamalpreet Kaur, Advocate appeared and has filed her vakalatnama on behalf of the complainant/victim. The same is taken on record. She seeks time to file reply.

Adjourned to 21.11.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.”

3. Learned State counsel has filed status report dated 20.11.2024. The same is taken on record and be tagged at the appropriate place. Learned State counsel has further submitted that he has joined the investigation on 30.09.2024. However, it is submitted that his further joining is required as the wife of the petitioner has not yet been arrested.



Non arrest of co-accused cannot be stated to be a ground for not extending benefit of pre arrest bail to the petitioner. More so, in the opinion of this Court, no useful purpose would be served by detaining him in custody. Accordingly, the present petition is allowed and the order dated 25.09.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita (for short BNSS), 2023.

21.11.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |