



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216 CRM-M-55148-2024 (O&M)
Date of Decision: 09.12.2024

HARMEL SINGH ALIAS HARMAIL SINGHPetitioner
VERSUS
STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. A.P.S. Srawan, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Amtiaz Singh Sandhu, Advocate for the complainant.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
90	12.10.2024	P.S. Lakho Ke Behram, District Ferozepur	109, 223, 191(3) of BNS and Section 25 and 27 of Arms Act

2. Vide order dated 12.11.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 12.11.2024 is reproduced as under:-

“Prayer in this petition, filed under Section 482 of BNSS, 2023, is for grant of anticipatory bail to the petitioner in case arising out of FIR No.90 dated 12.10.2024 registered under Sections 109, 223, 191(3) of BNS, 2023 and Sections 25 and 27 of Arms Act, at Police Station Lakho Ke Behram, District Ferozepur.
Brief of the case relevant for the purpose of disposal of

the present petition are that the aforementioned FIR has been registered on the basis of the statement recorded by complainant Pratap Singh alleging therein that he was working as a Gunman in the Band Centre, Jalalabad. On 12.10.2024, he came to visit his sister Manjit Kaur at village Kari Kalan, where panchayat election were to be held on 15.10.2024 and orders were passed by the State Government to deposit the arms in view of the upcoming elections. He further alleged that on 11.10.2024 at about 09:00 PM, when he was standing outside the house of one Gurjant Singh, 3-4 persons carrying arms came there and with intention to kill him, fired shot upon him which hit him on his left shoulder and went through. The other coaccused fired in the air with their respective weapons. Later on, he came to know that the assailants were Saraj Singh, Baldev Singh, Pargat Singh, Harman Singh (petitioner), Shaminder Singh, Sandeep @ Sunny, Talwinder Singh, Gurbhej Singh, Gurjant Singh, Sonu and 3-4 unknown persons. On sustaining fire arm injury, the complainant fell down. He was taken to Guru Gobind Singh Medical College, Faridkot, wherein he was given treatment. On the basis of this statement, the FIR was registered. The investigation proceedings have been initiated and are going on. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Ferozepur but the same had been dismissed, vide order dated 29.10.2024.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was not named in the FIR. He does not possess any arm licence or any fire arm. No specific role has been attributed to the petitioner. All the offences are bailable, except offence under Section 109 of BNS and offences under Sections 25 and 27 of the Arms Act. In fact, the petitioner has been involved in this case due to party fraction in the village. The injuries sustained by the complainant were found to be simple in nature. More so, it was the complainant party who was the aggressor and a cross case

bearing GD No. 19 under Sections 109, 115(2), 191(3) and 190 of BNS and Sections 25, 27 of the Arms Act has been registered against him. It is further argued that the petitioner is ready to join the investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be given concession of anticipatory bail.

Status report has been filed by the respondent-State, which is taken on record. It is submitted therein and learned State counsel has opposed the prayer of the petitioner by arguing that the allegations against the petitioner are quite serious. He has actively participated in commission of the subject crime, in which, the complainant received a fire arm injury on his shoulder. During the course of investigation, statement of the witnesses were recorded and it was found that the petitioner is known by two names i.e. Harmel Singh and Harnam Singh. Hence, it cannot be stated that the petitioner is not named in the FIR. The petitioner was a member of the aforesaid unlawful assembly while armed with deadly weapons and had fired shots towards the complainant with intention to kill him. Custodial interrogation of the petitioner is required for thorough and proper investigation in the matter. Hence, it is urged that the petition is liable to be dismissed.

The petitioner is alleged to have formed membership of an unlawful assembly with the aforesaid co-accused and in prosecution of common object of that unlawful assembly had fired shots at the complainant along with other co-accused. The claim of the petitioner is that he was neither named in the FIR nor was present at the spot at the time of occurrence and has been falsely implicated in this case. However, as per investigation conducted so far, it is stated by the Investigating Officer that he is known by two names i.e. Harmel Singh and Harnam Singh. As per MLR of the complainant, he had sustained two punctured lacerated wounds, which are simple in nature. On the other hand, a perusal of the MLR conducted on

co-accused Shaminder Singh reveals that he had sustained a fire arm injury resulting into a punctured lacerated wound of 1x1 cm with entry and exit mark. A cross case has also been registered against the complainant as mentioned above. In view thereof, it will be a question of debate as to which party was the aggressor party. The petitioner is ready to join the investigation. In the considered opinion of this Court, no useful purpose would be served by detaining him into custody in the given facts and circumstance.

List again on 09.12.2024.

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 BNSS.”

4. Learned State counsel on instructions submits that the petitioner has joined the investigation on 18.11.2024. His further custodial interrogation is not required.
5. Keeping in view the above facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 12.11.2024 granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

09.12.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable | Yes/No |