



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62728-2024
DECIDED ON: 13.12.2024

AMANPREET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mandeep Singh Sachdev, Advocate and
Ms. Meher Sachdev, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.46, dated 07.11.2024, under Sections 109, 125, 190, 191(3) of BNS, 2023 and Sections 25, 27, 29 of Arms Act, registered at Police Station Patara, District Jalandhar Rural.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Harminder Singh, s/o Mohan Singh, r/o Village Kangniwal, District Jalandhar. Aged about 38 years, Mobile No. +91 85588-17/37. Stated that I am a resident of the above given address and am an agriculturist. Like every other year, this year on 07.11.2024, we organized Chinnj Mela at Gurudwara

Baba Dhiroana Sahib near village Kangniwal, with the cooperation of all the residents of village Kangniwal. At about 5:00 p.m, Saudagar Singh s/o Didar Singh empty handed, Amanpreet Singh of Saudagar Singh armed with .32 bore revolver, Harjot Singh s/o Gurwinder Singh armed with Air Gun, Harjot Singh son of Hardeep Singh armed with 315 bore rifle, Aakaljot Singh armed with deadly weapon, Rajvir Singh armed with deadly weapon alongwith 2-3 other unknown persons armed with deadly weapon, to whom I can recognize if brought before me, came there. I was sitting on the chair with the Committee of the village and all the above-mentioned persons came to me and started abusing me and started saying how this Chinn Mela is being organized without them and that they will not allow this Chinnj Mela to continue. I told them that let Chinn Mela continue and later on we will sit and discuss in this regard. Then Amandeep Singh alias Amna raised a 'lalkara' that they be taught a lesson for organizing Chhinj Mela alone. Then, Saudagar Singh also instigated Amandeep Singh that they be taught a lesson for this enmity. Then, the Petitioner fired from a .32 bore revolver straight at me with intention to kill me, but I bent down and the bullet passed over me. My mother Harjit Kaur came forward to rescue me, then Harjot Singh son of Hardeep Singh fired from his.315 bore rifle at me and my mother, but the bullet did not hit us and terror was created in the Chinnj Mela which created an environment of fear and people who were enjoying the Mela started running here and there. The above said persons by firing in the air and by waving the deadly weapons in the air have put the life of Pahalwans and the people enjoying the Mela in danger. Upon people running away and the chaos, the above-said persons ran away from the spot along with their respective weapons

in the blue Mercedes and Baleno of white colour. I along with my mother Harjeet Kaur, Friend Amit s/o Gurmail r/o House No.106 near railway station Village Suchi were going to the police station to inform the incident to the police where you met me. Appropriate legal action be initiated against the above-said persons. Statement has been reduced to writing and has been read by me which is correct. Sd/- Harminder singh along with Harjeet Kaur w/o Manohar Singh, r/o Village Kangniwal, P.S Patara, Jalandhar. ”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the allegations against the petitioner is that he had fired in the air. He further contends that the petitioner acting in self defence, fired a single shot into the air using his father's licensed firearm and this action was intended to deter the complainant's group from further violence. It has been contended on behalf of the petitioner that his custodial interrogation is not required as nothing is to be recovered from him since .32 bore revolver has already been recovered which was in the name of his father. It has been further submitted that co-accused Rajvir Singh, Harjot Singh, Prabhjot Singh, have already been granted the concession of anticipatory bail by the trial Court vide orders dated 05.12.2024 (Annexure P-5), 27.11.2024 (Annexure P-6) and 26.11.2024 (Annexure P-7) respectively and co-accused Saudagar Singh has already been granted the concession of regular bail by the trial Court vide order dated 20.11.2024 (Annexure P-8).

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from SI Harminder Singh, opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner used his father's licenced weapon and had fired in the air causing terror at the spot of occurrence.

4. Analysis

Be that as it may, considering the fact that apart from petitioner's firing into the air, no other allegations or wrongdoing have been attributed to him; co-accused Rajvir Singh, Harjot Singh, Prabhjot Singh, have already been granted the concession of anticipatory bail by the trial Court vide orders dated 05.12.2024 (Annexure P-5), 27.11.2024 (Annexure P-6) and 26.11.2024 (Annexure P-7) respectively and co-accused Saudagar Singh has already been granted the concession of regular bail by the trial Court vide order dated 20.11.2024 (Annexure P-8) in addition to the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him since .32 bore revolver has already been recovered.

5. Decision

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such

directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

13.12.2024

Poonam Negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>