



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

140

CRM-M-63538-2024
DATE OF DECISION: 17.12.2024

SHIV ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sumit Dua, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.
Mr. Mayank Mahla, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 482 of BNSS for the grant of anticipatory bail in FIR No. 126 dated 26.09.2024 U/s 109, 351(2), 191 (3), 190 BNS 2023 and Sections 24, 25 Arms Act 1959, P.S. City Patti, Tarn Taran.

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

‘Statement of Tejpal Singh son of Manjit Singh resident of Ward No. 5 Bhullar Cony Pacti aged about 25 years 987749696, I have stated that I am a reside of the said address and running a welding shop at Tarn Taran Road Patti. On dated 25/9/2024, it will be time will be around 10:15 PM that I and my brother Gurpreet Singh was standing on Kandyala Road with my friend in front of Amardeep Palace. Then a Honda amaze car come from kandyala side in which Honey, Siva and 2 other boys whose names i don't know came along with them and Honey was driving the car. I said to him that why are beating Horn? Honey



abused me and took the car away and after about 15 minutes which would be around 10:30 PM that he was standing there talking with his friend, then again a car came, in which shot @Raja son not known resident of Kasmir Colony armed with Pistol, Bila @ Hidi son of not known Basti Dhara Singh armed with pistla, Goli @ Raja son of not known resident of Chathua Wala armed with Pistol, Honey son of know not resident of Kasmir Colony empty hand, Shiva son of not known resident of Kasmir Colony with empty handed and 2-3 unidentified persons came and as soon as they came Billa @ Hidi fired the pistol directly at me with the intention of killing me, the pistol fire hit my left thigh and I fell down and Shiv beat me with Kada. Then my brother came forward to rescue me, then Goli Son of unknown resident of Chathua Mohalla, fired the pistol with the intention of killing my brother. Goli @ Raja Son of not known resident of Kasmir Colony Patti, shot my brother from pistol, the fire hit my brother's left foot and Honey hit me on my left side chest with a stick. They attacked me and I was seriously injured. We shouted that we have been killed. Then our friends rescued us from them with great difficulty. They got into their vehicle and ran away, then our friends and my brother Kulwinder Singh picked us up from there and arranged a ride and brought us to Guru Nanak Dev Hospital where I and my brother Gurpreet Singh were treated. The grievance is that Honey came to us and honked the horn of the vehicle, I stopped him, so they opened fire with the intention of killing us. Legal action should be taken against this case and justice should be given to us. You are very kind. I have written a statement to you. It is good to hear. SD/Tejpal Singh, corifimed statement- Gurpreet Singh, verified contact- Gurmeet Singh AS, Police Station City Patti, dated 26-09-2024 Action Police-Today, dated 26-9-2024. ASI was present at the police station, then Chief Munshi The police station noted that a telephone call was made to Guru Nanak Dev Hospital Tarn Taran got information that Tejpal Singh and Gurpreet



Singh sons of Manjit Singh. Residents of Ward No. 5 Patti who have Gunshot injuries and are undergoing treatment are investigation for

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has submitted that the petitioner has no concern with the complainant and there is no enmity between them. He further submits that due to some misunderstanding the complainant named the petitioner in the instant FIR. He contends that now the matter has been compromised between the parties, therefore, prays for grant of anticipatory bail to the petitioner.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer opposes the prayer for grant of concession of anticipatory bail stating that there are serious allegations levelled upon the petitioner, therefore, prays for dismissal of the petition, however, could not dispute the compromise effected between the parties.

On behalf of the Complainant

Learned counsel for the complainant has no objection if the petition is allowed as the matter has been settled between the parties.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, especially to the effect that the matter has been compromised between the parties, this Court finds no reason to deny the petitioner the concession of



anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

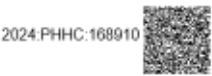
‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

17.12.2024
anuradha

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