



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-1304-2025

DATE OF DECISION: 14.01.2025

TARSEM SINGH AND ANOTHER

...PETITIONERS

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashish Aggarwal, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. Relief Sought

This petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of Pre-Arrest Bail to the petitioners in FIR No. 147 dated 18.10.2024 under Sections 109, 190, 191(3) of BNS, 2023 and under Section 25(6) of Arms Act, 1959 registered at Police Station Jhabhal, District Tarn Taran.

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

‘Statement of Manpreet Singh son of Jaswant Singh resident of Baba Sain Bhagat Sohal Police Station Jhabal District Taran Taran aged about 35 years Mob:-9872649577 stated that I am a resident of the said address doing agricultural work. On 15- 10-24 at around 08/09 in the morning I was walking near Baba Sain Bhagat Elementary School Sohal where Baljinder Singh son of Gursahib Singh, Gurmukh Singh son of Jaswant Singh, Gagandeep Singh son of Palwinder Singh,



Tarsem Singh, Prem Singh sons of Santokh Singh residents of Baba Sain Bhagat Sohal and other 05/06 persons were standing who saw me passing by while Tarsem Singh defiantly raised a lalkara to catch me and not let me go. In the meantime, Baljinder Singh son of Gursahib Singh took out a pistol from his pocket and fired a bullet straight at my stomach and at that time two other companions of Baljinder Singh had weapons. Sarwan Singh son of Baljit Singh and Gurbhag Singh son of Hira Singh of village Sohal started slapping Gurmeet Singh son of Kabal Singh of village Sohal who was making a video of the same and took away his mobile phone. During this scuffle, Buta S/o Santokh Singh R/o Baba Sain Bhagat Sohal was also caused injury on the foot with a datar. I fell on the ground and started shouting "maar dita maar dita", after which all the said persons ran away from the spot alongwith their weapons. Rajinder Singh son of Ronki Lal, Manpreet Singh son of Sukhdev Singh R/o Baba Sain Bhagat Sohal and my father Jaswant Singh came at the spot and arranged a ride for me and got me admitted at Amandeep Hospital Amritsar where I am undergoing treatment. Till date the respectables have tried to get the matter compromised but the same couldn't be. Statement has been recorded, you have read it over and heard. Legal action be taken against the above accused and justice be given to me. Statement has been given and is correct. SD/ Manpreet Singh..."

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioners has submitted that the matter has been settled between the parties and quashing petition bearing No. CRM-M-63512-2024 on the basis of compromise has already been filed before this Court wherein notice of motion has been issued and parties have recorded their statements before Illaqa Magistrate regarding compromise. Apart from that, counsel for the



petitioner further submits that there is unexplained delay of three days in lodging the FIR. It is his contention that admittedly it is a case of no injury and both the petitioners were not carrying any weapon whatsoever. It is his further contention that even the case of the prosecution itself is that the shot was fired by co-accused Baljinder Singh from his pistol. Therefore, he prays for grant of anticipatory bail to the petitioners.

On behalf of the State

Learned State Counsel appearing on advance notice is not in a position to controvert the submissions made by counsel for the petitioners.

4. **Analysis**

Be that as it may, after having given a thoughtful consideration to the submissions as made, by the counsel for both the parties that the matter has been settled between the parties and admittedly the fire shot was made by co-accused-Baljinder Singh with his pistol and it is a case of no injury, thereby this Court finds no reason to deny the petitioners the concession of anticipatory bail, wherein the petitioners have 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 petitioners are hereby directed to be released on anticipatory bail subject to their 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 petitioners 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 petitioners 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

14.01.2025
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No