



206(1st case)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-2860-2025 (O&M)
Date of decision : 28.04.2025**

Kulbir Singh and others

.....Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vinod Ghai, Senior Advocate, with
Mr. Arnav Ghai, Advocate for petitioner No.2 Shiv
Kumar.

Mr. Neeraj Sheoran, DAG, Haryana assisted by
PSI Manoj Kumar.

MAHABIR SINGH SINDHU, J.

Present petition under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short, 'the B.N.S.S.') has been
filed for grant of pre-arrest bail to the petitioner - Shiv Kumar in FIR
No.12 dated 06.01.2025, under Sections 191(3), 351(3), 109(1), 115
read with Section 190 of Bharatiya Nyaya Sanhita, 2023 (for short
'BNS') and Section 25 of Arms Act, 1959, registered at Police Station
City Palwal, District Palwal.

(2) Allegations are that petitioner along with other accused
formed an unlawful assembly and in prosecution of common object of
that unlawful assembly fired gun-shots at the residents of village Patli
Khurd and somehow they saved their lives.

(3) Learned counsel contends that petitioner No.2 Shiv Kumar
was granted interim bail by this Court, vide order(s) dated



24.01.2025/30.01.2025 and in pursuance thereof, he has already joined investigation; hence, his custodial interrogation is not required.

(4) Learned State counsel, on instructions from the quarter concerned, acknowledged the above factual position, and submits that as on today, custodial interrogation of petitioner No.2 Shiv Kumar is not required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It transpires that initially this Court on 24.01.2025 passed the following order:-

“Learned Senior counsel, on instructions submits that petitioner Nos.2 & 3, namely, Shiv Kumar and Tarun, respectively have been arrested, therefore, present petition qua them be disposed off as not pressed.

Ordered accordingly.

Registry to do the needful.

Reply by way of an affidavit dated 23.01.2025 of Mr. Mohinder Singh, HPS, Deputy Superintendent of Police, Palwal, District Palwal has been filed, which is taken on record. Copy supplied to the other side. Registry to tag the same at appropriate place.

Learned State counsel, on instructions, acknowledges that it is a “no injury case”. However, he seeks time to verify the pendency of other cases against petitioner No.1.

Posted for 25.02.2025.

In the meanwhile, petitioner No.1-Kulbir Singh shall join investigation before the Investigating Officer, but he be not arrested till the next date of hearing.”



(7) However, on 30.01.2025, petitioner No.2 Shiv Kumar moved an application for modification of above order while submitting that petitioner Nos.1 and 3 namely Kulbir Singh and Tarun had been arrested and the same was allowed vide order dated 30.01.2025, which reads as under:-

“Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for seeking modification of order dated 24.01.2025 passed by this Court.

Notice of the application to the non-applicant/respondent.

At this stage, Mr. Kiran Pal Singh, learned AAG, Haryana, accepts notice on behalf of the non-applicant/respondent.

For the reasons stated in the application, same is allowed. As a result thereof, instead petitioner No.2 in second line of the aforesaid order, it be read as petitioner No.1, namely, Kulbir Singh and in the second last line, it should be read as petitioner No.2, namely, Shiv Kumar.

Registry to carry out the necessary corrections.

Application stands disposed of.”

(8) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order(s), petitioner No.2 Shiv Kumar has joined investigation and his custodial interrogation is not required.

(9) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner No.2 Shiv Kumar. Consequently, present petition is allowed; interim order dated



24.01.2025 is made absolute subject to the conditions as envisaged under Section 482(2) of the BNSS.

(10) It is also made clear that petitioner No.2 Shiv Kumar shall fully co-operate with the Investigating Officer as and when called for further investigation.

(11) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(12) It is also clarified that in case of any recurrence on the part of petitioner No.2 Shiv Kumar, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

28.04.2025
d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No