



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

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CRM-M-5951-2025

Date of decision: February 20th, 2025

Nirmal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Brar, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

Mr. Nitin Verma, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail in FIR No.146 dated 14.09.2024 under Sections 109, 351(3), 190, 191(3) 111(2)(b) of the BNS, 2023, Section 25 of the Arms Act, 1959, and Sections 4 and 5 of Explosive Substances Act, 1908, registered at Police Station Sadar, Farikot.

2. Power of attorney on behalf of the complainant has been filed in Court, which is taken on record.

3. Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Faridkot, has been filed in Court, which is taken on record subject to just exceptions.

4. On the previous date of hearing, learned counsel for the petitioner had submitted that the allegations levelled against the petitioner are false and motivated. It was further contended that the MLR of the alleged victim, Hardeep Singh does not indicate any firearm

injury, which, according to the learned counsel for the petitioner, undermines the case of the prosecution and casts serious doubt on the veracity of the allegations.

5. On being put to notice, learned State counsel assisted by counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel for the petitioner. Learned counsel has drawn the attention of this Court to the FIR, which has been annexed as Annexure P-1. It has been submitted that a perusal of the FIR reveals that the petitioner along with the co-accused, was part of an unlawful assembly and was actively involved in pelting stones at the house of the complainant; furthermore, the petitioner along with his associates, raised *lalkaras*, fired shots, and hurled petrol bombs towards the residence of the complainant with the intention of causing harm. Broken bottles etc. were also recovered from the place of alleged occurrence. Additionally, as per instructions received by the learned State counsel from HC Gurjit Singh, the petitioner has been absconding in connection with another criminal case which stands registered against him i.e. FIR No.74 dated 06.06.2024 registered under Sections 326, 324, 34 of the IPC. Learned counsel submits that it clearly reflects the criminal antecedents of the petitioner and his utter disregard for law.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. A perusal of the FIR and the allegations levelled therein *prima facie* reveals serious and grave allegations against the petitioner, including his involvement in an unlawful assembly, stone pelting and use of petrol bombs in an attack directed at the house of the complainant. These allegations are not only specific but also indicative

of the active role played by the petitioner in the commission of the offence. The contention of the learned counsel regarding the absence of a firearm injury in the MLR does not, at this stage, sufficiently dilute the overall gravity of the allegations, especially in view of the alleged use of explosive substances.

8. Furthermore, the antecedents of the petitioner also weigh against the grant of anticipatory bail. It is a matter of record that he was evading arrest in another FIR at the time of the occurrence in question. Such conduct *prima facie* indicates his propensity to engage in criminal activities and raises concerns regarding the likelihood of his non-cooperation in the investigation which is underway.

9. Given the seriousness of the allegations, the nature of the offence and the criminal history of the petitioner, this Court does not deem it appropriate to extend the extraordinary concession of anticipatory bail to the petitioner.

10. Accordingly, the instant petition stands dismissed.

11. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 20th, 2025

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No