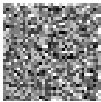


2025.PHHC:017436



106

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6913-2025
DECIDED ON: 06.02.2025

RAHUL NAIB @ RAHUL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

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.104, dated 12.09.2024, under Sections 103(1), 3(5) of BNS, 2023 and Section 25 of Arms Act, 1959 (Sections 61(2), 249(A) of BNS, 2023 added later on, registered at Police Station City Batala, District Batala.

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

“Statement of Gurkirat Singh son of Kulwinder Singh resident of Bahr War Hathi Gate near Fast Gym Batala age about 28 years mobile number 8264722085 stated that I am a resident of the said address. I am is studying BA, we are two brother, Damandeep Singh who is younger to me and is about 21 years old and is preparing to go abroad after studying 10+2 class. Today at about 11 my brother Damandeep Called me on whatsapp that I was surrounded by Manpreet Singh, Rahul and Sahil near Radha Krishna Colony Batala near Silver Creek School who kept talking to me on which I took the

motorcycle from home and drove towards the school at the same time when I reached near the school, I saw that two boys were arguing with my brother Damandeep Singh one boy was holding a pistol in his hand and the other boy had kirch in his hand. A boy from a vehicle parked far away said in a loud voice that Manpreet fire bullet upon him, he should not be go escape today. I saw that the boy entered the street and fired directly with his hand pistol. The fire of the pistol hit the right side of my brother's stomach. My brother fell on the ground. These boys ran away with their weapons. I can recognize them on seeing. By arranging a ride with the help of a passer-by, I brought my brother to the Civil Hospital Batala if the doctor referred us and sent us to Amritsar. On reaching Amandeep Hospital in Amritsar, the doctor declared my brother Damandeep Singh as dead and did not admit him to the hospital. We returned to Batala Civil Hospital where you met. My brother Damandeep Singh told me about these three persons that they have grudge against him. Appropriate action should be taken against the said persons. The statement was written and heard. It is correct. SD/ Gurkeerat Singh above. Verification SD/ Jasjit Singh SI Chief Officer Police Station City Batala dated 12-09-2024.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that though the petitioner is stated to be armed with *kirch*, but admittedly he has not been attributed any injury whatsoever, therefore, offences as incorporated in the FIR has not been made out against the him.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He does not controvert the submissions made by learned counsel for the petitioner and in addition thereto also failed to produce any incriminating material to necessitate the custodial interrogation of the petitioner.

4. Analysis

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that no specific injury has been attributed to the petitioner and the prosecution could not put forth any incriminating material to connect the petitioner with the alleged commissioning of offence, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. Decision

Hence, 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

06.02.2025

Meenu

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