



105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7191-2025

Date of Decision:07.02.2025

SIRMANJIT SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Hakam Singh, Advocate
for the petitioner (through Hybrid Mode).
Mr. Jaspal Singh Guru, AAG Punjab.

SANDEEP MOUDGIL, J. (Oral)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioners in case in FIR No. 258 dated 24.12.2024, under section 103, 115(2), 118(1), 191(3), 190 of BNS, 2023 and Sections 25 and 27 of Arms Act registered at Police Station Lopoke, District Amritsar Rural.

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

Statement of Amandeep Singh @ Aman S/o Prakash Singh.R/o Boparai Kalan, P.S. Lopoke, District Amritsar, aged about 29 years, mobile No.9814936061 stated that I am resident of above address and am doing agricultural work. We are 4 brothers-sisters, out of which two sisters are elders, who are married. One of my brothers Gurmit Singh, who is elder to me and is married. I am still bachelor. My brother Gurmit Singh is a truck-driver. That on dated 23.12.2024 at about 09:30/10:00 PM that my brother Gurmit Singh went out of the house at firni and after some time, I heard the noise of some dispute. I went out and saw that in front of the house of Bakhshish Singh, one bulb with heavy light was



lighting. That after going there, I saw that Satbir Singh s/o Davinder Singh was carrying 12 bore rifle, Kulwant Singh s/o Darshan Singh was carrying Dang, Tanmanpreet Singh s/o Jarnail Singh was carrying Dang, Simranjit Singh S/o Bakhshish was carrying Dang, residents of Boparai Kalan were abusing my brother. Kulwant Singh so Darshan Singh shouted falkara saying catch them and teach them for opposing us in the election and while I was seeing, Satbir Singh above directly fired from his 12 bore rifle at my brother Gurmit Singh with the intention to kill him. This fire hit in his stomach. That I came forward to save my brother, then Kulwant Singh attacked me with the Dang carried in his hand hitting my left arm below the arch. Then Simranjit Singh attached with his Dang which was hit on my left shoulder, thereafter, Tanmanpreet Singh has attacked me with his Daagn which hit my right leg and toe. I shouted, "mar-ditta, mar-ditta", then the accused persons ran away from the spot with their weapons. After hearing my noise, my cousin (son of my tayaji) Sukhdeep Singh s/o Balbir Singh Rio Boparai Kalan reached on the spot, who arranged the vehicle and took me and my brother to Amandeep Hospital, Amritsar where the doctor declared my brother Gurmit Singh as dead and started my treatment after admitting me. Reason of enmity is that during Panchayat election, candidate of our party won the election and the candidate of Satbir Singh's party got defeated. That till this day, Satbir Singh used to argue with us on this matter and was keeping enmity in his mind. Statement has been got recorded, read, heard and found to be correct. Sd/- Amandeep Singh, supported by Sd/- Sukhdeep Singh Balbir Singh R/o Boparai Kalan, attested by Sd/- Karampal Singh INSP/SO P.S. Lopoke, dated 24.12.2024.

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the brother (deceased) of the complainant was shot by the primary accused Satbir Singh with 12-bore rifle and the limited role is attributed to the petitioner that he inflicted a blow with a stick (daang) on the left shoulder of the complainant.



He further submits that petitioner neither carry any weapon nor caused any grievous injury to the deceased. He further submits that it has been established in the post-mortem report that fatal injuries were inflicted by the the gun shot.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from the Investigating Officer, did not oppose the instant petition since the petitioner has been attributed limited role and the fatal gun shot injuries were caused by the main accused Satbir Singh.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made by counsel for the parties and considering the fact that no fruitful purpose would be served by sending the accused behind the bars, as the petitioner is not the primary accused and the brother of the complainant succumbed to the gunshot fired by the accused Satbir Singh, as such, this Court finds no reason to deny the concession of anticipatory bail to the petitioner as he is ready and willing to join the investigation to cooperate with the investigating officer for furtherance of the investigation.

5. **Decision**

In the light of above, the petitioner is hereby 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 one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

07.02.2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No