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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.8138 of 2025
Date of decision: 21.03.2025

Kishori Lal @ Kishori Lal Singh ... Petitioner

Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amit Arora, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
135	29.09.2024	Sadar Tarn Taran, District Tarn Taran	125, 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 and 27 of Arms Act, 1959 (For short “ Act, 1959”)

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on the basis of statement recorded by the complainant Jaskaran Singh alleging therein that on the night of 28.09.2024, he along with his paternal uncle Satnam

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Singh was standing outside his house when the petitioner along with the co-accused Amritpal Singh, Santokh Singh and one unknown youth reached there in a Swift car. Two unknown youths riding bullet motorcycle also followed them. They were armed with weapons. The petitioner and co-accused Amritpal Singh alighted from the car. Accused Amritpal Singh made an exhortation and thereafter the petitioner fired two shots with a pistol towards the feet of his uncle. The complainant and his uncle fled from the spot to save themselves. The shots fired upon them hit on the road. On raising alarm by the complainant, the assailants fled away from the spot. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Tarn Taran vide order dated 16.01.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of one day in reporting the matter to the police which has not been explained. It is a case of no injury. He does not own or possess any firearm and, therefore, there is no question of recovery of the same from him. The complainant had himself lifted empties from the ground and handed over the same to the police which has rendered the version of the complainant doubtful. His custodial interrogation is not required. With these broad submissions, it is

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urged that he deserves to be released on pre arrest bail.

4. Status report has already been filed. It is argued by learned Assistant Advocate General, Punjab that the allegations against the petitioner are serious in nature. He was armed with a pistol and had fired the shots at the spot. One empty shell has been recovered from the spot. Weapon of offence is to be recovered from him. The petitioner is a habitual offender as he is involved in one more case registered under the provisions of NDPS Act. Accordingly, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner is alleged to have fired shots with pistol at the spot of occurrence while pointing out the same towards the uncle of the complainant. He has been booked for commission of offences punishable under Sections 125, 191(3) and 190 of BNS which are bailable in nature. Though as per the allegations, a firearm had been used by him but it has come on record that the empty shells had not been recovered by the police from the spot but the same were handed over by the complainant to the police one day after the incident. As such, it is a debatable question as to whether a case for commission of offences punishable under Sections 25 and 27 of Act, 1959 is made out or not? Given the nature of the allegations as levelled against the petitioner, I am of the considered

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opinion that pre trial incarceration of the petitioner is not required. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail in the event of his arrest, on the following conditions:-

- (i) He shall furnish requisite personal/surety bonds to the satisfaction of the Arresting officer/investigating officer by appearing before him within a period of ten days;
- (ii) He shall appear before the Investigating Officer as and when called subsequently and submit all documents and details as may be called upon by him.
- (iii) He shall not tamper with the evidence or cause any threat or to any of the prosecution witnesses in any manner.
- (iv) In the event of violation of any of the abovesaid terms, his bail shall stand automatically cancelled.
- (v) He shall not leave the country without prior permission of the trial Court.
- (vi) He shall regularly appear before the Court on every date of hearing and also and when called upon to do so during the course of trial.

7. It is further clarified that the observations made above are only for the purpose of consideration of application for anticipatory bail and

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the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

21.03.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No