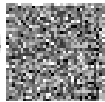


2025.PHHG:024654



101

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9693-2025
DECIDED ON: 20.02.2025

GURDEV SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mohit Malik, Advocate alongwith
Mr. Kamla Malik, 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.0073, dated 30.04.2024, under Sections 307, 148, 149 of IPC, 1860 and Section 25 of Arms Act, 1959 registered at Police Station GRP, Ludhiana, Punjab.

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

“Statement of Gurpreet Singh son of Nirvair Singh resident of House No.2201, Ward No.47, Near Railway Crossing, Abdullapur Basti, Ludhiana, District Ludhiana, Police Station Model Town, Aged about 28 Years, Mobile No.9888849385. Stated that I am resident of abovesaid address and I am doing the work of electrician in my shop at Abdullapur Basit. Today on 29.04.2024 at about 7:30 PM I alongwith my friend Sukhpreet Singh son of

Ruplal resident of village Khawke, District Ludhiana were standing near my house then Jony Shergil, Goldy Shergil, Hira, Kali Diesel alongwith 4-5 unknown persons came in Honda City Car colour silver grey bearing registration No.PB10-9400 and while riding 2-3 motorcycles crossed us and stopped at railway crossing, then Jony Shergil and his brother Goldy Shergil started abusing us loudly and when we stopped them, then Jony Shergil has taken out his pistol from his waist side (Dub) and fired with the intention to kill us, which hit on my left wrist and another fire was hit on my stomach and then my friend namely Sukhpreet came forward to rescue me and Jony Shergil has fired another shot with the intention to kill same hit on the left side of lower abdomen of my friend Sukhbir Singh and Goldy Shergil, Hira and Kali Diesel and 4-5 unknown persons started throwing stones on us. We alarm hue and cry due to which the crowd was gathered there. Then Jony Shergil and his friends ran away from place of occurrence. Reason behind the occurrence is that accused stopped my friends from coming to my house but my friends use to come at my house. Thereafter, we arrange the vehicle and Sukhpreet was taken for medical treatment in the hospital. Where the first-aid was given by the doctor and thereafter referred to higher hospital. Now our treatment was going on at DMC Hospital, Ludhiana. Hence, legal action be taken against Jony Shergil and his friends for causing injuries. Statement heard and same is correct. SD/- Gurpreet Singh.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is contended that the involvement of the petitioner was limited to verbally abusing the complainant in a loud manner and throwing stones, while the actual injury was caused by one Jony Shergil, for which Section 307 of the Indian Penal Code (IPC) was

attracted. The attention of this Court has been drawn to an order dated 20.09.2024 (Annexure P-4) passed by this Court in CRM-M-46988-2024 vide co-accused has already been granted the concession of bail.

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 prays for dismissal of the present petition stating that the petitioner has duly accompanied the co-accused and actively participated in the commissioning of offence.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that except hurling abuses upon the complainant, no overt act has been attributed to the petitioner and the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents, 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

20.02.2025

Meenu

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