



101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19001-2025
Date of Decision:07.04.2025

JASJIT SINGH ALIAS HIRA
Vs.

...Petitioner

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Santosh Kumar Yadav, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 seeking grant of anticipatory bail to the petitioner in case FIR No.0073 dated 30.4.2024, Annexure P-1, under Sections 307, 148, 149, IPC, 1860, and Section 25 of Arms Act, 1959, registered at Police Station, GRP Ludhiana, District 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, Hirsra and Kali Disel 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 contends that he has been falsely implicated in the present case as the only allegation against him is that he was present at the spot but no overt act has been attributed to him since he has not given any gun-shot injury offences under Section 307 IPC cannot be attracted against him. He further alleged that in light of the circumstances and the role attributed to the petitioner by the prosecution so far, there is a strong possibility of his acquittal from the trial Court since he was not armed with any weapon, and therefore, even the offences under Arms Act would not be attracted against him

Notice of motion.

**On behalf of the State**

On the asking of the Court, Mr. Jastej Singh, DAG, Punjab, accepts notice on behalf of respondent/State. The aforesaid contentions have not been controverted by the learned State counsel though he vehemently opposes prayer for grant of concession of anticipatory and prays for dismissal of the petition by pressing upon the conduct of the petitioner that during the hearing of the bail application before the trial Court, he was granted the concession of interim bail, he joined the investigation but he did not cooperate with the investigation and denied disclosing the identity of other co-accused who were masked.

4. Relief

Be that as it may, the reasoning given by the State seeking custodial interrogation of the petitioner is totally unwarranted wherein no injury has been attributed to the petitioner and he is also not armed with any weapon moreover, the State Counsel is unable to produce any incriminating material against him for custodial interrogation, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has *bona fide* intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. Decision

In the light of above, the petitioner is hereby directed to be released on anticipatory bail subject to him 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

07.04.2025

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