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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-17090-2025

Date of decision: 27.03.2025

Karamjit Singh @ Gyani Ghodiya Wala

.....Petitioner

Versus

State of Punjab & Anr

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amitoj Singh, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.68 dated 22.06.2024 under Sections 160,307,336,427,506,148,149 IPC and Sections 25,27,54,59 of the Arms Act registered at P.S Nathana, District Bathinda.

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

“Copy of Ruqa, Police Incharge, jai Hind, today I SI along with ASI Mangu Singh No. 595/ Bathinda, SCT Gurpreet 2133/ Bathinda, CT Baljeet Singh No.1789/ Bathinda, PHG 33259 has laid nakabandi and were present at bus stand Nathana that received by a secret information has been the informer SI that gave information today on dated 2:00/2-30 PM two parties had gathered at village Kalyan Sukha. Out of which is one party which is Jaspal Singh, Beant Singh sons of Jeet Singh, residents of Kalyan Sukha, Karamjit Singh alias Giani Ghoriwala, resident of Dayalpura and Bhola Singh, resident of Nathana along with 2/3 other unknown youngers/ persons and the other party from Kulwinder Singh alias Kinder son of Nirbhay



Singh, resident Kalyan Sukha, Sukhdev Singh & Sona son of Gurdeep Singh, Lavpreet Singh @ Lav Dhillon son of Gursevak Singh, residents Jandawala police station Nehianwala and along with 2/3 other unknown youths/persons due to old rivalry/litigation among themselves, with their licensed /illegal weapons, pistol, guns and they are facing each other, threatening each other, abusing each other, and firing at each other with the intention of kill each other with their respective weapons have fired each other in front of the Gurudwara Sahib at G.T. road at village Kalyan Sukha. Due to which the cars of both the parties have been damaged and due to this shooting of fire, Kulwinder Singh alias Kinder has been hit by the fire, they have put the lives of the common people in danger by firing at the public places, and even now both the parties who is still fighting again in the village Kalyan Sukha area, people are ready to fight among themselves with their licenced weapon if the strict legal action cannot be taken against them then a big fight can be happened in the area of the police station, information gave by the secret informer has been true and correct and being attested by me ruqa is sent for registration of the case against Jaspal Singh, Beant Singh, Karamjit Singh @ Gyani Ghoriyan, resident of Diyalpura, Bhola Singh Kulwinder SINGH @ Kinder Singh, Sukhdev Singh @ Sona and Lavpreet Singh @ Lav and along with other 4/5 unidentified persons and the offence under Sections 160, 307, 336, 427, 506, 148, 149 IPC and 25/27/54/59 of Arms Act was made out.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has falsely been embroiled in the present case. The injuries in the present case are attributed to the co-accused Jaswant Singh @ Jassa and that as per the Inquiry report conducted by the DSP, Sub Division, Bhuchio, after examination of independent witnesses and going through CCTV footage along with the record of call details, the Inquiry Officer came to the conclusion that the petitioner was not present at the alleged spot of occurrence but was present at his house in village



Dayalpura Mirza and the distance between Dayalpur Mirza and place of occurrence is at least 3 kms.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State, who does not controvert the aforesaid facts and could not put forth any incriminating evidence to substantiate the provisions of Section 110 of BNS.

Mr. Sukhdeep Singh Sidhu, Advocate has put in appearance for the complainant-injured Kulwinder Singh and has not opposed the prayer asserting that the parties to the present dispute have already settled the matter amicably amongst themselves.

4. **Analysis**

Be that as it may, considering the fact that the injuries in the present case are attributed to co-accused Jaswant Singh @ Jassa and the fact that the petitioner was not present at the place of occurrence, but was at his house 3kms away in Dayalpura Mirza and the same has also not been disputed by learned State counsel and also considering that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him. Placing the petitioner behind bars would only tantamount to violation of his fundamental right as enshrined under Article 21 of the Constitution.

5. **Relief**

In the light of above, the petitioner is 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 for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the



petitioner behind the bars. 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 and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

27.03.2025
manoj

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |