



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

219/1

CRM-M-20031-2025(O&M)
Date of Decision: 27.05.2025

Balkar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sutikshan Sharma, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No. 19 dated 20.02.2025, under Sections 109, 191 (3), 351 (2) read with Section 190 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 25, 27 of Arms Act, 1959, registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur.

2. Status report dated 26.05.2025 by way of affidavit of Mr. Vipin Kumar, PPS, Deputy Superintendent of Police, Sub Division, Fatehgarh Churian, Police District Batala has been filed on behalf of respondent, which is taken on record. Registry to tag the same at appropriate place.



3. Allegations are that petitioner along with co-accused formed an unlawful assembly and in prosecution of their common object inflicted gunshot injuries on the person of complainant party with an attempt to kill them.

4. Contends that petitioner was granted interim bail by this Court on 09.04.2025 and in pursuance thereof, he has already joined investigation; hence, his custodial interrogation is not required.

5. *Per contra*, learned State counsel, on instructions from SI-Baljit Singh, although acknowledged that petitioner joined investigation in compliance of order dated 09.04.2025; but opposed the prayer on the premise that recovery of alleged weapon is yet to be effected from him.

6. Heard learned counsel for the parties and perused the paper-book.

7. It transpires that while issuing notice of motion, petitioner was granted interim protection by this Court on 09.04.2025 and the order reads as under:-

“Contends, inter alia, that it is a case of version and cross-version between the parties.

Notice of motion.

Mr. Kunwarbir Singh, learned AAG, Punjab accepts notice on behalf of the respondent; seeks



time to have instructions and/or to file written response in the matter.

Posted for 27.05.2025.

In the meanwhile, petitioner shall join investigation before the Investigating Officer; but he be not arrested till the next date of hearing.”

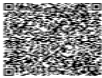
8. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation. Apart that, there is no quarrel that petitioner is 75 years of age; thus sending him to police custody in the evening of his life would not serve any purpose, especially when cross case has been registered against the complainant side also.

9. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner.

10. Consequently, present petition is allowed; interim order dated 09.04.2025 is made absolute subject to the conditions as envisaged under Section 482(2) BNSS.

11. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

12. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.



13. It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

27.05.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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