



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

109

CRM-M-21372-2025

DATE OF DECISION: 24.04.2025

RAJBIR SINGH @ DHOLLA**...PETITIONER****Versus****STATE OF PUNJAB****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Ms. Navjot Kaur, Advocate for
Mr. B.S. Bhalla, Advocate the petitioner(s).

Mr. Jastej Singh, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This petition has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer for grant of concession of anticipatory bail in FIR no. 241 dated 15.12.2018 under section 302, 450, 34 of Indian Penal code and section 25, 27 of Arms Act, 1959 registered at Police Station Islamabad, District Police Commissionerate Amritsar.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘Statement of Vishwa Mitra son of Shri Lal Chand occupation Brahmin resident of H.No. D7/431, Gali No. 2, Sunder Nagar, Kot Khalsa, District Amritsar, age 70 years, 9646004288, states that I am a resident of the aforementioned



address and currently do household work. I had two sons, the elder son Jagdev Kumar and the younger one Balwinder Kumar alias Billa. My elder son Jagdev Kumar is bedridden due to illness and my younger son Balwinder Kumar alias Billa and my brother-in-law Subhash Chander's son Kapil Dev Sharma together had taken a liquor vend in Partnership at Rajasansi Circle under the name of Ripple Wine & Company. On 14-12-18, at around 9:15 PM, I and my family were inside the house when my son Balwinder Kumar alias Billa returned home from work. Suddenly, the gate outside our house was knocked. My son Killa alias Balwinder Kumar went to open the gate. I asked him who had come, and he said that his acquaintances Angrej Singh resident of Fateh Singh Colony, Amritsar, and Rajbir Singh alias Dholla had come. When my son opened the gate, among the persons entering the house, one had a round turban tied, and the other was a clean-shaven person. One of their associates was standing on a motorcycle in the street outside the house. My son Balwinder Kumar Billa told me about the turbaned person who came inside the house that he was Angrej Singh and the clean-shaven person's name was Rajbir Singh alias Dholla. He did not tell me the name of the third person standing outside, but I saw his buckle very clearly. I can recognize him if he comes in front of me. Angrej Singh and Rajbir Singh Dholla, who came inside the house, started arguing with my son Balwinder Kumar alias Billa. While arguing, the aforementioned Angrej Singh took out a pistol from his waist in front of me and fired three or four shots continuously at him, which hit my son's leg and stomach, seriously injuring him. Thereupon, my brother-in-law's son Kapil Dev Sharma and the neighbors who came to the spot arranged for a vehicle and admitted my son Balwinder alias Billa to Amandeep Hospital for treatment, where he died during treatment at around 12 o'clock at night. I saw this whole incident in the light of the bulb installed inside my house. The reason for this incident is that my son Balwinder Kumar alias



Billa had a minor quarrel with Angrej Singh and the aforementioned Rajbir Dholla a few days ago, which was later resolved between them. However, they held a grudge about this matter in their minds. It is because of this that the aforementioned Angrej Singh, Rajbir Singh alias Dholla, and the unknown persons who came with them came inside my house and shot and injured my son Balwinder Kumar, who later died during treatment in the hospital. Today, I have come here with Kapil Dev and have recorded my aforementioned statement with you, which I have read and heard and is correct. Sd/- Vishwa Mitra.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. She submits that the petitioner was even not present at the spot which is evident from the inquiry report (Annexure P-3) as the location of mobile was in Ludhiana in his house. She submits that a perusal of the challan (Annexure P-2) and also the supplementary challan (Annexure P-4) show that the petitioner was kept in column No. 2. It is her further contention that nothing is to be recovered from the petitioner, hence, the custodial interrogation of the petitioner is not required.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.



On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer is not in a position to dispute the fact that location of the mobile phone of the petitioner was found at Ludhiana at this own house and not at the place of occurrence.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the facts that the location of the mobile phone of the petitioner was found at at Ludhiana at this own house, nothing is to be recovered from him, and also considering the fact that the name of the petitioner was kept in column No. 2 of both the challan (Annexure P-2) and supplementary challan (Annexure P-4), 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. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

24.04.2025
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No