



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108

CRM-M-21250-2025

DATE OF DECISION: 24.04.2025

GURMAIL SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sumit Dua, Advocate for the petitioner(s).

Mr. Jastej Singh, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. Prayer

This petition has been filed under Section 482 of BNSS for the grant of anticipatory bail in FIR No. 13 dated 25.02.2025 U/s 109, 332(b), 115(2), 118(1), 324(5), 191(3), 190 of BNS (Section 118(2) of BNS added later on) and Section 25 Of Arms Act 1959, P.S. City Zira, District Ferozepur.

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

‘Statement of Karnjot Singh son of Jaswinder Singh son of Satnam Singh, resident of Awan Road Street No. 1, Zira Police Station that "Zira, age about 23 years M.no. 89689-46402 stated that I am a resident of the said address. I am studying law at Nanak College Ferozepur. Our grocery shop is at Moti Bagh Market Kot, Khan road Jira. This morning when I went to my



shop, in front of the shop there were two boys working with state cable in front of the shop, one of them named Gurpreet Singh aka Gopi son of Lal Singh, resident of Shah Wala Shokha Basti Jira and a boy whom I could recognize when he came in front of me I said that I have to clean the shop, put my things on the side, but they didn't go to the side, so I started cleaning my shop, then Gurpreet Singh aka Gopi scolded me, then we had an argument, then it was around 09:30 AM, Gurpreet Singh aka Gopi called and called about 30/35 boys, as many as Kirpan, Khanda, rod, baseball and two persons were carrying revolvers. Inside the shop my uncle's son Amanpreet Singh and Pradhan Ved Prakas, my father Jaswinder Singh and the boy who worked in the shop, Gurlal, among them were Gurpreet Singh alias Gopi, his brother Kuldeep Singh, Nissan Singh son of Unknown armed with Kirpan, Buta Singh son of Balwant Singh armed with Khanda, Balwant Singh son of Garib Singh armed with Khanda and Sukhbir Singh alias Sheera son of Lal Singh armed with Rod and the gardener whom I can recognize when he appear before me armed with Garari Loha, Karan son of Manga armed with Kirpan, Makki Dana son of Unknown armed with Khanda, Robin MH saloon armed with Rod all residents of Shahwala Road Jira and Tahil Singh's boy resident of Mansoor Deva armed with Kirpan, Happy son of Sewa armed with Kirpan and the rest of the boys had Kirpan, Khanda then Gurpreet Singh alias Gopi held the Kirpan to one of his companions. Gurpreet Singh raised Lalkara kill him, everyone, today let's have the fun of arguing with this shop owner. All these acquaintances attacked us at once and entered the shop. Gurpreet hit me on the head with his hand kirpan with the intention of killing me. I raised my left hand and the kirpan hit my left palm and his brother kuldeeep hit me with iron rod which hit my right elbow then bakiya withhis own weapon hit Pradhan Ved Prakash on the head, Amanpreet Singh on the right arm on the right side of the chest near the left knee and Jaswinder Singh, my father got



injuries on the head and arms. Sukhwinder Singh @ shreea threatened us by showing the revolver and Seeing the gathering of the shopkeeper and the passerby, they all ran away from the along with their weapons. The resentment is that Gurpreet Singh alias Gopi, who works to fix the said hori net, stopped us from sitting in front of our shop, he called other boys and attacked us. The gurduga is that gurpreet singh @ gopi who works to fix the said hori net, stopped us from sitting in front of our shop and called other boys to attack us. I have admitted at jira, After writing, read it and heard it, action should be taken Sd/- Declarant Karanjot Singh.'

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 as he was not present at the spot where the alleged occurrence took place, hence, no overt act has been committed by the petitioner. He submits that a perusal of the present FIR shows that no offence under Section 109 and 333(b) of BNS are made out. It is further contention that nothing is to be recovered from the petitioner, hence, this custodial interrogation 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 accepts the same on behalf of the State but is not in a position to point



out number and nature of injuries attributed to the petitioner, though submits that the petitioner was carrying kripa but could not inform qua the role of the petitioner in the alleged incident.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to facts discussed above that no specific role has been attributed to the petitioner, nothing is to be recovered from him, moreover, learned State Counsel is not in a position to give details of number and nature of the injuries attributed to the petitioner, 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	Yes/No
Whether reportable	Yes/No