

2025:PHHC:082831



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-21299-2025

Date of decision: July 10, 2025

JATINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. B.S. Jaswal, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.
with ASI Sohan Singh.

Mr. Hakam Singh, Advocate with
Mr. Jasdeep Grewal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in case FIR No.26 dated 21.03.2025 under Sections 125, 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 25/27 of Arms Act, 1959, registered at Police Station Kathunangal, District Amritsar (Annexure P-1).
2. Learned counsel for the petitioner has drawn the attention of this Court to the contents of the FIR, annexed as Annexure P-1, wherein it was alleged that two young men came to the house of the complainant at 10:55 p.m. on the fateful day and indulged in indiscriminate firing towards the house; no person sustained any firearm injuries. However, without any cogent evidence on record, merely on the basis of suspicion, the complainant alleged in the FIR that he suspected the involvement of the petitioner in view



of a history of strained relations between them; a couple of weeks prior to the occurrence in question, allegedly the petitioner had threatened and therefore, as per the complainant, the petitioner could be involved in the said occurrence.

3. Learned counsel has asserted that however, even as per the CCTV footage retrieved from the place of occurrence, the petitioner was not one of those two persons, who allegedly fired towards the house of the complainant. It has, therefore, been submitted that it is evident that without any basis and that too on account of the animosity between the parties, a false and fabricated case has been planted upon the petitioner.

4. On being put to notice, learned State counsel assisted by learned counsel for the complainant, have vehemently opposed the prayer and submissions made by the counsel opposite. It has been contended by the learned counsel for the complainant that although the petitioner is not visible in the CCTV footage, however, at the very first instance, the complainant had raised a suspicion *qua* the involvement of the petitioner in the crime in question. The suspicion cannot at this stage be said to be unfounded as it is also a matter of record that after the petitioner was nominated as an accused in the present case, the counsel for the complainant was telephonically threatened to withdraw from the case or else she would also have to face dire consequences and in fact, the family of the counsel representing the complainant was attacked, leading to the registration of another FIR No.0090 dated 07.07.2025.



5. Having heard the learned counsel for the parties and perused the record including the contents of the FIR and the CCTV footage, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

6. It is not in dispute that an incident involving indiscriminate firing at the residence of the complainant occurred on the night in question. Although no physical injuries were sustained by any person, the nature of the act – targeted gunfire directed at a residential house – speaks volumes about the seriousness and audacity of the crime. The incident clearly demonstrates an intent to terrorize and intimidate.

7. The prime argument advanced by the learned counsel for the petitioner is that the petitioner does not figure in the CCTV footage retrieved from the place of occurrence. However, the mere absence of the petitioner in the CCTV footage cannot be regarded as conclusive proof of his innocence or a ground to hold that his involvement is improbable, especially while considering his petition for anticipatory bail.

8. It is pertinent to note that the complainant, at the very first instance i.e. while registering the FIR itself, specifically expressed a suspicion regarding the involvement of the petitioner, citing a previous incident, where the petitioner had allegedly threatened him. The consistency and the immediacy of this suspicion cannot be entirely disregarded as speculated, particularly in view of the past history of animosity between the parties.



9. Further, the chain of subsequent events is of grave concern to this Court. It has been brought on record, and remains uncontroverted, that after the petitioner was nominated as an accused in the present case, the counsel of the complainant received threatening phone calls from unknown persons warning her to withdraw from the case. This was not a solitary act of intimidation. It is alleged, and now formally recorded in FIR No.90 dated 07.07.2025 that the family members of the counsel for the complainant were subjected to an attack. These developments, viewed cumulatively, *prima facie* suggest a concerted attempt to obstruct the due process of law and intimidate those associated with the prosecution. The possibility of the complicity of the petitioner, whether directly or through his associates, cannot be discounted at this stage.

10. The allegations in the FIR in question, therefore, do not stand in isolation. They are buttressed by subsequent acts of intimidation and violence, which lend credence to the apprehension expressed by the complainant and his counsel.

11. The identity and role of the co-accused, the motive behind the act of firing, and the possible larger conspiracy behind the acts of post-FIR intimidation are yet to be fully unearthed. Premature release of the petitioner may impend the effective collection of evidence and embolden others to adopt similar tactics of harassment and intimidation.



12. In view of the gravity and the nature of the allegations, the antecedents and the conduct of the petitioner, this Court is not inclined to grant the extraordinary concession of anticipatory bail to the petitioner.

13. Accordingly, the instant petition stands dismissed.

14. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 10, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*