

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

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CRM-M-26852-2025

Date of decision: 16th May, 2025

Gursewak Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

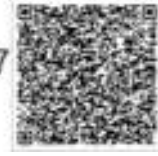
Present: Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Apoorav Garg, Senior Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The instant petition is the second petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 33 dated 22.01.2025 registered under Sections 109(1), 126, 190, 191(2), 191(3), 324(2) and 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25 of Arms Act, 1959 at Police Station City Sirsa, Distict Sirsa.

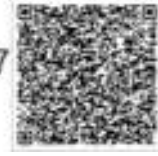
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 22.01.2025 on the basis of complaint lodged by complainant Ranjeet Singh to the effect that some time ago, an altercation had happened between him and Gursimran Singh @ Guri, Jaspal @ Maan, Sahil and the petitioner and because of the said altercation, the said persons were having enmity towards him. On 20.01.2025, he had gone to Sirsa Court to attend a court hearing,



where Gursimran entered into a scuffle with him. However, by rescuing himself, he left the said premises. He further stated that on 21.01.2025, he alongwith Sushil @ Shilu, Sukhdev @ Sukha had gone to Auto Market, Sirsa for getting repair work of his vehicle done and when they reached near Fauji Service Station, at that time, two cars i.e. Verna and other Ritz car came from the front side and on seeing him, the said cars were parked in front of him and from the said cars, petitioner got down carrying a pistol while Gursimran, Jaspal and Sahil and other 3-4 associates also got down from the said cars carrying swords and *kapa*. The petitioner made an exhortation to not to spare him and with the intention of killing him, opened fire at him. The shot hit the window pane of his car and thereafter passed through the roof. In order to save himself, he reversed his car upon which the said assailants made an attempt to block his car, as a result of which, his car also got damaged. As such, he prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are underway.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Co-accused Gursimran Singh has already been extended benefit of anticipatory bail. On parity, he too deserves to be given the same benefit. No injury has been sustained by anyone in the alleged incident. The complainant himself is a man of criminal antecedents. No recovery is to be effected from the petitioner. He is ready to join the investigation. His custodial interrogation is not required. Therefore, it is urged that he deserves to be released on pre-arrest bail.

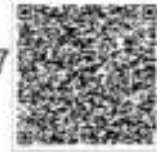
4. Notice of motion.



5. Learned Senior Deputy Advocate General, Haryana, has advance notice of the petition and is ready to argue the matter. It is submitted by him that there are serious allegations against the petitioner. For effecting recovery of the weapon used by him in the occurrence, his custodial interrogation is must. No extra ordinary or exceptional circumstance for grant of anticipatory bail is made out. His case cannot be stated to be at parity with the co-accused, since no overt act had been attributed to the latter. Therefore, it is argued that the petitioner does not deserve to be release on pre-arrest bail.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have intercepted the complainant, fired a shot upon the complainant with an intention to kill him and is alleged to have damaged the window pane of his vehicle. Though the victim was saved and was not hurt, however, the allegations levelled against him *prima facie* make out a case for commission of offence punishable under Section 109 of BNS. The allegations against the petitioner are serious in nature. For conducting thorough investigation in the matter and for eliciting the truth about the manner, in which the subject offences had been committed by him, his custodial interrogation is required. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Accordingly, I see no reason to allow the petition and hence, the same is dismissed.



8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

16th May, 2025

Parveen Sharma

1. <i>Whether speaking/ reasoned</i>	:	<i>Yes / No</i>
2. <i>Whether reportable</i>	:	<i>Yes / No</i>