

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:093762



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CRM-M-31947-2025 (O&M)

Date of decision:24.07.2025

Sawan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Lovepreet Singh, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

...

Manisha Batra, J. (Oral).

CRM-23843-2025:

Application is allowed as prayed for.

Main case:

1. The instant petition has been filed under Section 482 of the BNSS seeking grant of anticipatory bail to the petitioner in case arising out of FIR No.20, dated 26.02.2025, under Sections 109, 3(5) of BNS, registered at Police Station Sadar Amritsar, District Amritsar.

2. As per allegations on 26.02.2025, the complainant – Babllu @ Babbu was present in his barber shop when the petitioner along with co-accused Rajbir Singh came to there. Sometime thereafter, Avinash Singh, Karan Sharma and Amar also reached there. Avinash Singh tried to enter

inside the shop but the petitioner stopped him from doing so. A verbal altercation had taken place between them. The petitioner then took out a pistol carried by accused Rajbir Singh and fired a shot with the same towards Avinash while he was standing in the shop. The bullet, however, hit the glass of the shop and by crossing it, injured victims Indu Devi and Amar. On seeing their condition, the petitioner along with co-accused Rajbir Singh fled from the spot with the weapon. The injured were taken to hospital. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 29.04.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Recovery of pistol has already been effected from co-accused Rajbir Singh, who has been arrested. No recovery is to be effected from him. He is ready to join the investigation. His custodial interrogation is not required. A compromise had been arrived at between him, co-accused and the complainant as well as victims Amar and Indu Devi and they have executed a written compromise on 20.05.2025. It is, therefore, urged that he deserves to be released on bail.

4. Notice of motion.

5. Mr. Eklavya Darshi, learned DAG, Punjab has advanced notice of the petition and is ready to argue the matter. It is submitted by him that the victims Indu Devi and Amar had sustained firearm injuries in their abdomen and on wrist which are obviously dangerous in nature. There are specific allegations against the petitioner and it was he who had used pistol

with intent to kill. No extraordinary and exceptional circumstance for grant of pre-arrest bail is made out. Custodial interrogation of petitioner is must for conducting thorough investigation. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties carefully.

7. The petitioner is alleged to have used a pistol thereby firing a shot towards Avinash Singh, who had a narrow escape. The firearm so shot is alleged to have hit Indu Devi and Amar thereby causing injuries on their right wrist and abdomen respectively. The allegations against the petitioner are specific and serious in nature. Though the petitioner has placed on record Annexure P-2 (copy of a compromise) shown to be executed between the victims, complainant and himself, however, neither any authenticity can be attached to this document at this stage nor any consideration can be given to the same. For conducting thorough investigation in the matter, his custodial interrogation is must. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of the BNSS. Many useful information can be disinterred during custodial interrogation. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the nature of the subject offences and no extraordinary circumstance is shown to have been made out in this case, I am of the considered opinion that custodial interrogation of the petitioner is required for conducting thorough investigation in the matter by the police. Accordingly, no ground for extending benefit of pre-arrest bail is made out.

Hence, the petition stands dismissed.

8. It is, however, clarified that 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.

24.07.2025

harjeet

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

(MANISHA BATRA)
JUDGE