

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32895-2025 (O&M)

Date of Decision: 20.06.2025

Gurbir Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Ranwant Singh, Advocate for the petitioner

Mr. JS Rattu, DAG Punjab

Sandeep Moudgil, J.

Relief claimed

(1). This petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of anticipatory bail to the petitioner in case FIR No.120 dated 26.12.2024 under Sections 125/49 of BNS, Section 26/27 of Arms Act, 1959 (Section 223 of BNS added later on) registered at Police Station Chamkaur Sahib, District Rupnagar (Annexure P1).

Facts

(2). Facts as emerging in the FIR is reproduced as under:-

*Copy of Ruqa SHO Police Station Shri Chamkaur Sahib, Jai Hind,
Today I ASI along with PHG Jamail Singh was present on T point Nursery
Shri Chamkaur Sahib on government vehicle bearing no. PB-65-BF-2081
which was driven by CT Kamalpreet Singh 266/R in connection with
patrolling, then at about 8:40 PM, on social media a video was getting viral
which was of the area of Shri Chamkaur Sahib in which one unknown
turbaned man by putting the lives of common man in danger was firing in air
and one unknown person was provoking him to do so. That due to these lives*

of common people can be endangered. That by doing this these persons have committed offence under sections 125, 149 of BNS 25-27/54/59."

Submissions of the petitioner

(3). Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case solely on the basis of one video clip by the investigating agency without verifying its genuinity and moreso, the investigating Officer in the present case himself sent a ruqa on coming to know that one video is being circulated on some social media platform where an unknown person is seen firing in the air, however, when the ruqa was sent neither the IO knew the person using the fire arm nor he knew the fact that it was being used in the area of police station Shri Chamkaur Singh Sahib.

(4). It is further argued that it is nowhere mentioned in the said ruqa that the alleged incidence recorded in the video has taken place in the area of police station Shri Chamkaur Sahib nor this fact could be ascertained from video and thus, the bald assertion has been made on the basis of a random video clip which has been created/circulated. He further emphatically argued that no complaint has ever been made against the petitioner by anyone in relation to the commission of any offence, and the FIR is thus purely presumptory and illusory.

(5). Notice of motion.

(6). Mr. JS Rattu, DAG Punjab accepts notice on behalf of the State.

Stand of the State

(7). Learned State counsel submits that in the video clip an unknown sikh person is seen firing shots with double barrel rifle and that after the lodging of the FIR, the petitioner has been identified by one Vishal Kashyap to

be person who can be seen in the video firing rifle shots. He submits that the act of the petitioner amounted to endangering the life of the people and that the recovery of the weapon is yet to be made and on this ground, there is no valid reason for extending the concession of anticipatory bail to the petitioner.

Analysis

(8). Heard learned counsel for the parties.

(9). The instant FIR has stemmed from a viral video depicting an unknown Sikh individual firing a double-barrel rifle, posing a threat to others. The subsequent statement made by Vishal Kashyap on 31.01.2025, identified the petitioner, as the shooter, due to which his name has been nominated in the case. It has also come on record that in the video, reviewed in court, two Sikh individuals were found with one firing shots. The petitioner's denial of being visible in the video is unconvincing. Moreover, the prosecution is yet to recover the rifle, therefore, the custodial interrogation of the petitioner is required. Beside that the claim of false implication by a political rival, Vishal Kashyap, will be assessed during the trial.

(10). Moreover, it is settled proposition of law that power exercisable under Section 482 BNSS, is somewhat extraordinary in character and it is to be exercised in exceptional cases. In State of **Andhra Pradesh vs. Vimal Krishna Kundu**, AIR 1997 SC 3589, Apex Court has held that in case of well orchestrated conspiracy, if the accused is equipped with anticipatory bail order before interrogated by police, would greatly harm the investigation and would impede the prospects of unearthing all the ramification involved in the conspiracy. Similarly, in **Ram Govind Upadhyay versus Sudarshan Singh**, (2002) 3 SCC 598, it has been observed as under:

“3. Grant of bail though being a discretionary order — but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.”

(11). Given the gravity of the allegations and the necessity for custodial interrogation to facilitate the recovery of the rifle, this Court is of the considered opinion that the investigation's efficacy would be seriously compromised if the petitioner is not put to custodial interrogation.

(12). In light of the foregoing discussion, this Court finds no merit in granting anticipatory bail to the petitioner and the same is accordingly dismissed.

(13). However, it is made clear that observations made hereinabove shall have no bearing on merits of the case before the trial court.

(14). Ordered accordingly.

20.06.2025
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No