

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

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CRM-M-35859-2025

Date of decision: 10.07.2025

ASHWANI KUMAR

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

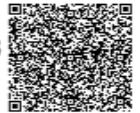
Present: Mr. Veneet Sharma, Advocate
for the petitioner.

SANDEEP MOUDGIL, J.(ORAL)**1. Prayer**

This petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail in case FIR No.51 dated 26.05.2025 under Section 125 (Section 336 of IPC) of BNS, 2023, Sections 25, 27 of the Arms Act, 1959, registered at Police Station Majitha, Amritsar Rural, District Amritsar.

2. Contentions**On behalf of the petitioner**

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that on 13.05.2025, there was an altercation between the petitioner and one Arunbir Singh, who



is posted as a constable in the Punjab Police in the office of DSP over the burning of garbage in the street and he threatened the petitioner that he would call the Nihangs, who are his relatives and shall get the petitioner cut into pieces. Thereafter, the petitioner called the Police helpline number but before the police could intervene, a number of armed Nihang Sikhs descended in the shop and house of the petitioner armed with deadly weapons. He further submits that in order to save himself and his family the petitioner fired in the air from his licensed weapon in order to dispel the Nihangs and it is a no injury case.

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.

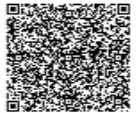
On behalf of the State

Mr. Jastej Singh, Addl. AG, Punjab appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner had fired from his gun in the market place.

Mr. Saurabh Garg, Advocate has put in appearance on behalf of the complainant and filed his *Vakalatnama*, the same is taken on record. He submits that the petitioner has committed a serious offence therefore his prayer for anticipatory bail be dismissed.

3. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties neither there is an intent nor any injury caused by the alleged gun shot fired by 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.

4. **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 :-

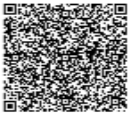
‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(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

10.07.2025

Nisha Yadav

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No