



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

104

CRM-M-37051-2025

Date of decision: 16th July, 2025

Robin Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Apoorv Garg, Additional Advocate General, Haryana.

Mr. Namit Khurana, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been 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. 155 dated 22.03.2025 registered under Sections 109(1), 115, 3(5), 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 27 of Arms Act, 1959 at Police station Krishna Gate Thanesar, Kurukshetra, District Kurukshetra.

2. As per the allegations, on 22.03.2025, the complainant Ashish Tiwari along with his friends was attending a Yagya. On the same day, after completion of yagya rituals, they had gone to Saini Dharamshala, wherein they were staying for having breakfast provided by the organizer Shri Swami Hari Om. As some foul smell was found coming from the porridge which



was served as breakfast meal, some of them had made complaint about this fact to the organizer, who was present at Theme Park, Kurukshetra. However, a security personnel of Swami Hari Om insisted that they were to take the same porridge. On their protest, two security personnels fired gunshots upon them with their respective weapons with an intent to kill them. One of the shot so fired, hit his left thigh and he fell down. His companions also sustained injuries. On his complaint, the aforementioned FIR was registered. Investigation proceedings have been initiated.

3. As per further allegations, the accused Davinder was arrested. He suffered a disclosure statement to the effect that it was on the instigation of the present petitioner that the accused Jaideep and himself had fired shots with their weapons in the air and as per the instructions of the present petitioner, they had fired a shot thereby injuring victim Ashish Tiwari. During investigation, statement of injured Prince Shukla and the Supplementary statement of the complainant were also recorded and on the basis of the same, the petitioner was nominated as an accused. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Sessions Judge, Kurukshetra, which was dismissed vide order dated 04.07.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. Even the victim did not name him. No specific overt act has been attributed to him. The co-accused Jaideep and Davinder to whom the injuries on the person of the victim have been attributed, have since been extended benefit of regular bail. No recovery is to be effected from the petitioner. He is ready to join the



investigation. His custodial interrogation is not required. It is, therefore, urged that he deserves to be extended benefit of pre-arrest bail.

5. Notice of motion.

6. Learned Additional Advocate General, Haryana, who has advance notice of the petition and is ready to argue the matter, has submitted that the petitioner was named in the supplementary statement of the complainant as well as in the disclosure statement of the co-accused. He had instigated the co-accused to open fire upon the victim. He was the brain behind the occurrence. The allegations against him are serious in nature. His custodial interrogation is must for conducting thorough investigation in the matter. Even otherwise, no sparing and exceptional circumstance entitling him to grant anticipatory bail is made out in favour of the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

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

8. The petitioner is alleged to have instigated the co-accused to open fire at the victim and his companions. The victim had sustained fire arm injury. No specific injury might have been attributed to the petitioner. However, his active participation in the occurrence is still made out as while remaining present at the spot, he instigated the other accused to assault the members of complainant party. Keeping in view the nature of the allegations, I am of the considered opinion that the thorough and deeper probe is required to be conducted in the case and for that purpose, custodial interrogation of the petitioner is must. It is also well settled that the Court must be circumspect while exercising such power for grant of anticipatory



bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

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

[MANISHA BATRA]
JUDGE

16th July, 2025

Parveen Sharma

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

: *Yes / No*
: *Yes / No*