

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:094574



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CRM-M-39200 of 2025
Date of Decision: 24.07.2025

Manga Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA.

Present: Mr. Pankaj Kalia, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

...

Manisha Batra, J.(Oral)

1. Though the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS"), the petitioner seeks anticipatory bail in case FIR No.83 dated 16.04.2025 under Sections 103, 109, 149 and 351(3) of Bharatiya Nyaya Sanhita, 2023 (For short "BNS") and Sections 25/27 of Arms Act (offence under Sections 249, 253, 61(2), 190 of the BNS added later on and Section 149 of BNS was deleted), registered at Police Station City Tarn Taran, District Tarn Taran.

2. The aforementioned FIR was registered on the statement recorded by the complainant alleging therein that on 16.04.2025, he along with his family members were present outside the Gurudwara Baba Mahan Singh at Village Rataul, to attend proceedings of auction of some land.

Gurdial Singh, Ex-Sarpanch of their village along with the present petitioner and some other persons were also present there. Most of them were armed with weapons. The petitioner was armed with a .12 bore rifle. Gurdial Singh started asking the uncle of the complainant to give details of the account of the last year. Jarnail Singh, brother of the complainant offered him to let them attend the bid proceedings first. Accused Gurdial Singh became enraged and by making exhortations that the complainant and his family members should not be left, he instigated other accused and then all of them opened an attack on the complainant and his family members. Accused Gurdial Singh took out his pistol and fired a shot with the same which hit the chest of Jarnail Singh who fell down. Another shot fired by accused Gurdial Singh hit Jaswant Singh and he too fell down. The petitioner and other accused raised *lalkaras* and fired shots in the air. The complainant raised rescue alarm and then all the assailants fled with their weapons. The victim Jarnail Singh succumbed to the injuries and died. The petitioner was nominated as accused along with the co-accused. Apprehending his arrest, he had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Tarn Taran, vide order dated 10.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific attribution or specific overt act has been attributed to him. He did not cause any injury to anyone. Co-accused Gurbinder Singh @ Nihang, Kuldeep Kaur, Sardara Singh, Lakhwinder Kaur @ Sukhwinder Kaur, Sandeep Kaur, Kulwinder Kaur, Ranjit Singh, Sarabjit Kaur and Charanjit Kaur have been extended benefit

of bail. His custodial interrogation is not at all required. He is ready to join the investigation. No recovery is to be effected from him. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Notice of motion.

5. Mr. Eklavya Darshi, learned DAG, Punjab, who has appeared on advance notice of the petition, is ready to argue the matter. It is submitted by him that the allegations against the petitioner are serious in nature. His custodial interrogation is must. No circumstance for grant of pre-arrest bail is made out in his favour. It is, therefore, argued that the petitioner does not deserve to be extended the benefit of anticipatory bail.

8. I have heard learned counsel for the parties at length and perused the material placed on record.

9. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused to have assaulted the victim Jarnail Singh, who had died as a result of the firearm injuries sustained at the hands of Gurdial Singh. The petitioner along with the co-accused is alleged to have made exhortation and to have fired shots in the air on the basis of such exhortations. The co-accused had fired shots thereby causing homicidal death of Jarnail Singh and also causing a firearm injury to Jaswant Singh. The allegations show the active participation of the petitioner in the occurrence. A vicarious liability is also fastened upon him. The allegations against him are grave in nature for conducting proper investigation and for eliciting information as to the manner in which the subject offences have been committed, his custodial interrogation is must. It is also well settled that the judicial discretion conferred upon the Court has to be properly

exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing.

10. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and the discussion made above, this Court finds no reason to allow the present petition and accordingly, the same is dismissed.

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

24.07.2025*harjeet***(MANISHA BATRA)
JUDGE**

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