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

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Date of decision: 22.08.2025

Gurkiran Singh

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Malkiat S. Hundal, Advocate for the petitioner
(through Video Conference)

Mr. Gurpartap S. Bhullar, AAG Punjab.

Mr. J.S. Dhaliwal, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.42 dated 25.06.2024, registered for the offences punishable under Sections 307, 324, 34 of IPC and Section 25, 27 of the Arms Act, at Police Station Chohla Sahib, Tarn Taran.

2. The gravamen of the FIR in question reflects that on 15.06.2024 at about 07:15 PM, the complainant namely Kuldeep Singh, son of Jagtar Singh, aged 39 years, resident of Raniwala, P.S. Chohla Sahib, alleged that he alongwith Harmanjeet Singh, son of Amarjeet Singh, resident of Raniwala, was returning to their village on motorcycle after refueling an electric transformer. As they approached the main road, a white Etios car, driven by accused Palwinder Singh, son of Iqbal Singh, resident of Raniwala, intercepted them. From the car, accused Gurkiran



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Singh (petitioner herein) son of Satnam Singh, alighted and raised a *lalkara* stating that the complainant should not be escaped. Immediately, thereafter, accused Palwinder Singh fired 3/4 shots on the person of the complainant with intention to kill. One bullet struck the left thigh of the complainant whereby he collapsed. While the complainant was lying injured, accused Gursevak Singh, son of Satnam Singh, armed with a *datar* and accused Hardeep Singh, son of Gurmej Singh, armed with *kirpan*, both resident of Raniwala, also attacked him. Accused Gursevak Singh inflicted a blow on the left side of the leg of the complainant. On raising hue and cry, the nearby villagers rushed to the scene of occurrence whereupon the assailants fled in their car with their respective weapons. Thereafter, injured were taken to Civil Hospital, Sarhali. Due to severity of injuries on the person of the complainant, he was referred to Civil Hospital, Tarn Taran. The complainant alleged that the motive behind the attack is a prior dispute dated 29.05.2024 regarding a *sakeemi khal*, in which both the parties had filed complaints before the local dera. Nurturing this grudge, the accused persons conspired to attack the complainant with the intent to take his life. On these set of allegations, instant FIR under was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the only allegation against the petitioner is that he raised a *lalkara* and no overt act or injury has been attributed to him. According to learned counsel, at the time of alleged occurrence, the petitioner was present near Gurdwara Sahib and, thus, his implication is



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entirely false. Learned counsel has further pointed out that even the FIR itself records the observation of the police officials that the injuries and the MLR prepared by the doctor render the occurrence doubtful which strengthens the contention of petitioner of false implication. Learned counsel asserts that the petitioner has a clean antecedent with no prior accusation. It is next submitted by the learned counsel that no recovery is to be effected from the petitioner or at his instance. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the basis of aforesaid submissions, the grant of concession of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. According to learned State counsel, there are direct and specific allegations against the petitioner. Furthermore, it is categorically stated in the FIR that the petitioner raised a *lalkara* at the spot, pursuant to which the co-accused opened fire and caused injuries to the complainant. Thus, the active participation of the petitioner in the commission of the offence stands clearly established and there is sufficient material on record against the petitioner. Learned State counsel has iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation. According to learned State counsel, in case the petitioner is granted the concession of pre-arrest, at this stage, it



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may impede the ongoing investigation, obstruct recovery and adversely effect the efforts to apprehend the remaining co-accused. On the strength of these submissions, the dismissal of the instant petition is prayed for.

5. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner by raising submission in tandem with the learned State counsel.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. As per the FIR in question, indubitably, serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, on the alleged day of occurrence, the petitioner, alongwith co-accused, allegedly formed an unlawful assembly and armed with deadly weapons launched a violent and premeditated assault on the complainant and his friend while they were returning to their village on motorcycle. There are direct and specific allegations against the petitioner of raising a *lalkara* at the spot and the same cannot be treated as an insignificant role, particularly when the same was immediately followed by gunfire from the co-accused resulting in grievous injuries to the complainant. The subsequent material collecting during the course of investigation, including the video footage and call details, *prima facie* corroborates the case of the prosecution. In addition, reliance is placed by the State on the material collected during investigation. A video clip dated 08.06.2025 shows that the petitioner was turning back his Bullet motorcycle outside the house of the complainant. Furthermore, the call records establish that co-accused Hardeep Singh and Gursewak Singh had made WhatsApp and normal calls



to the complainant and issued threats to the complainant. The act of the petitioner, therefore, cannot be brushed aside as it formed part of the common intention in furtherance of which the grievous assault was carried out. The petitioner has been specifically named in the FIR, and the nature of the injuries attributed during the incident in question are serious and life-threatening, reflecting the severity of the alleged act. It has come on record that the 04 co-accused are currently in judicial custody, while the petitioner is yet to be apprehended. The investigating agency has sought the custodial interrogation of the petitioner for verification of facts and to establish the broader conspiracy, if any, behind the occurrence. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner along with co-accused and as part of an unlawful assembly, acted in furtherance of their common object inflicted multiple injuries upon the complainant party.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The



material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***], the Supreme Court has held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

8.1. In view of the gravity of the allegations, the specific role attributed to the petitioner, the serious nature of injuries sustained by the victims and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.



- 9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- 10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

August 22, 2025
Ajay

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