



101

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

**CRM-M No.57338 of 2025
Date of Decision: 17.10.2025**

Ajaypal Singh @ Ajay**..... Petitioner**

Versus

State of Punjab**..... Respondent****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Ms. Samanpreet Kaur, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.25, dated 09.04.2025, under Sections 109, 118(1), 191(3), 190 of BNS, 2023 and Sections 25, 27 of Arms Act, 1959, registered at Police Station Chattiwind, District Amritsar Rural.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Sukhdev Singh. It was alleged that on 09.04.2025, at about 01:30 in the night, all the family members of the complainant were asleep. The complainant and his son, namely, Mandeep Singh, heard noise in the street. They saw that Sikander Singh empty handed, Rajiv @ Dug armed with pistol, Roman @ Ram Singh armed with datar, Gurkirat Singh @ Poona armed with datar, Jashandeep Singh @ Ganja armed with pistol,



Akash @ Dadde armed with *datar* and Ajay, i.e. the petitioner armed with pistol were present. It was alleged that when the son of complainant, namely, Mandeep Singh, came forward then, Roman @ Ram Singh gave him *datar* blow on his head, Akash gave another *datar* blow on the face of his son. They raised alarm in order to save themselves and the accused persons escaped from the spot while threatening. They shifted their son, Mandeep Singh, to Manawala Hospital. The complainant and his nephew, namely, Bobby Singh went to the police chowki for registration of the FIR and when they were returning to their village, at about 3:30/3:45 A.M., when they reached their Reliance Petrol Pump, GT Road, all the accused persons came from behind and encircled them. Rajiv @ Dug fired a shot from his pistol, which hit on the left leg of the complainant. Other accused persons also fired 3-4 shots and on raising alarm, they escaped from the spot. The request was made to take legal action against the accused persons. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Amritsar praying for the grant of anticipatory bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Amritsar declined the bail application filed by the petitioner vide order dated 21.07.2025. Hence, being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. She has



submitted that the gun shot injury allegedly inflicted upon the complainant is attributed to the co-accused, namely, Rajiv @ Dug. She has submitted that the alleged occurrence had taken place at the Reliance Petrol Pump, GT Road, Manawala, Amritsar and the same was captured in the CCTV cameras installed at the petrol pump. She has submitted that from the perusal of the CCTV footage, presence of the petitioner has not been proved on the spot. She has thus submitted that false implication of the petitioner is writ large and hence, the petitioner deserves to be granted anticipatory bail.

4. Notice of motion.

5. Mr. J. S. Arora, DAG, Punjab, appears and accepts notice on behalf of the respondent-State. He, however, has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner is not only specifically named in the FIR but also was duly armed. He has submitted that the petitioner has actively participated in the offence committed. He has submitted that all the accused are the part of unlawful assembly, who were duly armed. He has submitted that the investigation is at the initial stage and keeping in view the facts and circumstances of the case, the petitioner does not deserve the concession of anticipatory bail and the present petition deserves to be dismissed.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. It is transpired that the petitioner has been named in the FIR, who was armed with a pistol. The complainant had suffered a fire arm



injury as well, though attributed to the co-accused. However, complicity of the petitioner has been *prima facie* established, who was the part of unlawful assembly and was armed with a fire arm weapon. Needless to say that the investigation is at threshold.

8. From the facts and circumstances of the case, this Court finds that the case requires a thorough investigation to unravel the mystery.

9. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *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.”*



10. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state"*



are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

11. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable 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.”

12. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Needless to say, that the case is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

13. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

17.10.2025

rittu

Whether speaking/reasoned :
Whether reportable :

(RAJESH BHARDWAJ)

JUDGE

Yes/No
Yes/No