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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.58573 of 2025
Date of Decision: 07.11.2025
Reserved on: 31.10.2025

Gurjeet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.B.S. Dhillon, Sr. Advocate,
with Mr. Jagdeep Singh Bajwa, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Nakul Sharma, Advocate and
Mr. Piyush Sharma, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
84	23.06.2025	Kulgari, District Ferozepur, Punjab	109, 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 and 27 of Arms Act, 1959

2. As per the allegations, on the night of 22.06.2025, the

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accused Lovepreet Singh made a Whatsapp call to Lakhwinder Singh son of Sukhdev Singh and proclaimed that he would kill his entire family members including the complainant Kulwinder Singh who is cousin of Lakhwinder Singh. Lakhwinder Singh responded by saying that he was present outside the house of his uncle Surinder Singh and he (Lovepreet Singh) should dare to come. Sometime thereafter, when the complainant along with Surinder Singh was present outside the house of latter, suddenly, accused Lovepreet along with the petitioner and co-accused Prabhdeep Singh, Harman Singh, Anmoldeep Singh and one unknown person reached there in an I-20 car driven by Harman Singh. They proceeded towards the complainant and with intention to kill his uncle Surinder Singh and himself, they fired shots with some firearm upon them that hit his uncle and one pellet hit the complainant. Thereafter, the assailants fled from the spot. The injured were rushed to the hospital. On the basis of statement recorded by the complainant Kulwinder Singh, the aforementioned FIR was registered. Investigation is underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Ferozepur vide order dated 23.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific overt act had been attributed to him. There was no question of his using any firearm as his licensed weapon is already lying deposited at Police Station Kulgari, District Ferozepur since 03.01.2022. The dispute was between the accused

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Lovepreet Singh and the complainant and he has been roped in this case due to the fact that he was exonerated by the police in case bearing FIR No.166 of 2024 got registered on the complaint of Surinder Singh father-in-law of Lovepreet Singh against him, Lovepreet Singh and some other persons on account of some matrimonial dispute with Lovepreet Singh. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, urged that he deserves to be extended benefit of pre arrest bail.

4. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued in terms of the status report that the allegations against the petitioner are serious in nature as he was a member of an unlawful assembly being formed with the co-accused and attempt was made to kill the victims by firing shots with firearms upon them. He has criminal antecedents. His custodial interrogation is required for conducting thorough investigation in the matter. No exceptional circumstance for grant of pre arrest bail is made out. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner had allegedly formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, shots were fired at upon Surinder Singh injured and the complainant. Surinder Singh is alleged to have sustained Grade 4 liver injury with large peri hepatic hematoma with significant right hemorhorax. He underwent

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angioembolisation of GI bleed on 23.06.2025 with foreign body i.e. bullet removal. As on date, he is stated to be admitted in the hospital and in support of supportive drugs, his condition is still unstable. The weapon of offence is to be recovered from the petitioner. The custodial interrogation of petitioner is certainly required for proper and effective investigation of the matter. In case, the same is denied to the investigation agency, that shall leave many glaring loopholes and gaps, adversely affecting the investigation. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. 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 Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. 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. 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

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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, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

07.11.2025
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(MANISHA BATRA)
JUDGE

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