

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

CRM-M-60282-2024 (O&M)

Date of decision: 13.05.2025

Charandeep Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

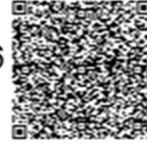
Present:- Mr. Sarbjit Singh, Advocate for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab for the respondent.

Mr. V.K.Sandhir, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') for grant of pre-arrest bail to the petitioners in FIR No.288 dated 24.10.2024 (P-1), under Sections 125, 351(2), 61(1) of the Bharatiya Nyaya Sanhita, 2023 (*for short* 'BNS') [Section 109 of the BNS added later on vide order dated 04.02.2025]; Sections 25 & 27 of the Arms Act, 1959, registered at Police Station Jandiala, District Amritsar Rural.



(2) Allegations are that petitioners, in criminal conspiracy with co-accused, fired several gun shots with intention to kill the *de facto* complainant as well as his family members and also criminally intimidated them.

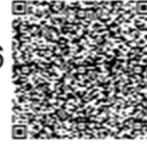
(3) Learned Counsel contend that both the petitioners were granted interim protection by Coordinate Bench, vide order dated 02.12.2024, followed by order dated 17.12.2024, and in pursuance thereof, they have already joined the investigation; hence, their custodial interrogation is not required.

(4) Learned State Counsel, on instructions from the police official concerned, although acknowledged the factum of joining the investigation by both the petitioners; but submits that alleged weapon of offence is yet to be recovered from some unknown persons, who fired the shots on instigation of the petitioners.

(5) Similarly, learned Counsel for the *de facto* complainant also vehemently opposed the prayer on the premise that allegations are very serious and it is the petitioners, who instigated other unknown persons/accused to fire the shot(s).

(6) Heard learned Counsel for the parties and perused the paper-book.

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(7) There is no quarrel that both the petitioners were granted interim protection by the Coordinate Bench, vide order dated 02.12.2024, followed by order dated 17.12.2024 and the same read as under:-

“order dated 02.12.2024

Apprehending arrest in FIR No.288 dated 24.10.2024 registered under Sections 125, 351(2), 61(1) of BNS, 2023 and Sections 25, 27, 54, 59 of Arms Act, 1959 at Police Station Jandiala, District Amritsar Rural, the petitioners have preferred this petition under Section 482 of BNSS, 2023 for grant of anticipatory bail.

Learned counsel for the petitioners inter alia submits that allegedly petitioner No. 1 raised a lalkara and co-accused fired gun-shots towards the house of the complainant. He further submits that the petitioners have been falsely implicated in this case and due to political vendetta as petitioner No. 1 had won Panchayat elections and petitioner No. 2 was not even present at the spot, there is a delay of 9 days in lodging of FIR. He further submits that the petitioners have clean antecedents. No specific role is attributed to the petitioners and no injury has been caused to anyone.

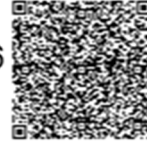
Notice of motion.

At the asking of the Court, Mr. Gurpartap S. Bhullar, AAG Punjab accepts notice on behalf of the respondent-State and seeks time to file reply.

Mr. V.K. Sandhir, Advocate puts in appearance on behalf of the complainant and files his Power of Attorney in Court today, which is taken on record. Registry is directed to tag it at the appropriate place.

Adjourned to 04.12.2024.

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In the meantime, no coercive steps be taken against the petitioners.”

“order dated 17.12.2024

Status report has been filed by the learned State counsel in Court today. The same is taken on record. It is stated in the said report that as per the version of the complainant Jagmohan Singh, the petitioners in connivance and conspiring with co-accused Mukhtar Singh and their accomplice had fired at this house. Petitioner No.1 had raised a lalkara and petitioner No.2 was responsible for the whole incident.

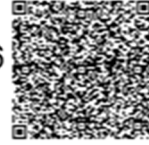
Adjourned to 04.02.2025.

In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of their arrest, the Investigating/Arresting Officer shall release the petitioners on interim bail on furnishing personal/surety bonds to his satisfaction. They shall abide by the following conditions as envisaged under Section 482 (2) of BNSS, 2023:-

- 1) That the petitioners shall make themselves available for interrogation by a police officer as and when required to do so.*
- 2) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts to the Court or to any police officer.*
- 3) That the petitioners shall not leave India without prior permission of the Court.”*

(8) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid orders, petitioners have joined investigation. The

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objection raised by learned State Counsel as well as learned Counsel for the complainant to the effect that weapon of offence is yet to be recovered from the persons who fired shot(s), would not be acceptable for the reason that petitioners did not use the alleged weapon(s).

(9) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioners.

(10) Consequently, present petition is allowed; interim order dated 02.12.2024, followed by order dated 17.12.2024, is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(11) It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

(12) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(13) It is also clarified that in case of any recurrence on the part of petitioners, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

13th May, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>