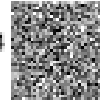


2025.PHHC:145634



101

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

**CRM-M-59857-2025
DECIDED ON: 24.10.2025**

GOBIND SINGH ALIAS KUNDAN**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Tejbir Singh Hundal, Advocate and
Mr. Jatinder Pal Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.194 dated 25.09.2025 registered under Sections 125, 190, 191 (3) of the Bharatiya Nyaya Sanhita, 2023 and Section 25 and 27 of Arms Act, 1959 and section 3 & 4 of prevention of Damage to Public Property Act, 1984 at Police Station Sadar Jagraon, District Ludhiana Rural (Annexure P-1).

2 Contention**On behalf of the petitioner**

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, as he was neither present at the place of occurrence nor has any connection whatsoever with the said incident. He further

contends that the present FIR has been lodged after a delay of one day on the basis of secret information, and that none of the persons present at the marriage are complainants. Learned counsel also submits that the petitioner is ready and willing to join the investigation and shall fully cooperate with the investigating agency.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Rajiv Verma, Addl. AG. Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition on the ground that the petitioner alongwith other accused persons has fired shots with their unlicensed weapon in a Dharamshala at Galib Kalan during marriage function, therefore, his custodial interrogation is required. He further submits that the petitioner is a habitual offender, as he is involved in other cases.

3. **Analysis**

Be that as it may, having given due consideration to the submissions advanced, particularly to the fact that there is a delay of one day in lodging the FIR, that none of the persons from the marriage function is a complainant as well as on behalf of the Dharamshala which is allegedly damaged by the present petitioner and other co-accused persons added with the fact that no direct incriminating material is available against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not required.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

As far as the contention of learned State counsel with regard to the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “***Baljinder Singh alias Rock vs. State of Punjab***” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

4. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under subsection (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.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

24.10.2025

Meenu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No