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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-62789-2024 (O&M)
Date of Decision:- 14.01.2025

NISHAN SINGH

Versus

....Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. A.S. Jawandha, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 08.01.2025 filed in the form of an affidavit of Deputy Superintendent of Police, Sub Division Valtoha, Camp at Bhikhiwind, District Tarn Taran, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. By way of present petition filed under Section 482 BNSS, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
89	11.07.2024	109, 190, 324(6) BNS; 25 and 27 of the Arms Act	Khalra, District Tarn Taran

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case on



the basis of concocted version. He contends that even as per the allegation, the present case is a case of no injury. He submits that the petitioner is ready to join investigation and has prayed for grant of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report submitted by the State has assailed these arguments by submitting that the petitioner is specifically named in the FIR of having fired shots from his pistol along with co-accused Robinpreet Singh and Simranjit Singh. He contends that as many as 29 empty cartridge were recovered from the spot. Hence, the custodial interrogation of the petitioner is required and prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that the instant case was registered against the petitioner and other co-accused on the statement of the complainant-Sukhwinder Singh to the effect that on 10.07.2024, when he was strolling on the terrace of his house, at about 11:30 PM, Robinpreet Singh armed with pistol, Nishan Singh armed with pistol and Simranjit Singh armed with 315 bore rifle along with 5-6 unknown persons came outside his house and started firing towards the complainant and his house. The complainant lay down on the floor to save himself, and after sometime on alarm being raised by the complainant, the assailants ran away from the spot.

7. From the perusal of the record, it is apparent that although it is a case where no injury has been attributed to the petitioner, but from the allegations levelled by the complainant, it transpires that there is specific



attribution to the petitioner of having fired indiscriminately from his pistol towards the complainant. Although the complainant did not get injured and saved himself by lying down on the floor of the terrace but the fact that 29 empty cartridges were recovered from the spot by the police, speaks volume about the indiscriminate firing done by the petitioner along with other co-accused in a bid to kill the complainant.

8. Furthermore, the perusal of the recovery memo dated 11.07.2024, reveals that 5 empty cartridges of 315 bore rifle, 7 empty cartridges of 32 bore pistol, 13 empty cartridges of 30 bore pistol and four empty cartridges of 9MM, totalling 29 empty shells of cartridges were recovered from the spot pertaining to 4 different kinds of weapon used in the occurrence.

9. Therefore, considering the serious nature and gravity of the offence and the specific attribution to the petitioner of having fired indiscriminately from his pistol, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

14.01.2025
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |