

CRM-M-9530-2026

2026:PHHC:036318



113

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

CRM-M-9530-2026

Gulbag Singh @ Garry

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: March 10, 2026**Date of Uploading: March 10, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Piyush Sharma, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Karandeep Singh Sidhu, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of anticipatory bail to the petitioner, in case bearing FIR No.59 dated 03.08.2024, under Sections 126(2), 125, 324(5), 115(2), 190(3), 190 of the BNS, 2023 and Sections 25, 27 of the Arms Act, 1959 (Section 131/ 109 of the BNS added later on), at Police Station City Zira, District Ferozepur.

2. The gravamen of allegations against the petitioner is that complainant, namely, Ranjit Singh, alleged that on 03.08.2024, at about

CRM-M-9530-2026

01:30 p.m., Gulbag Singh @ Garry (*petitioner herein*), armed with a pistol, along with 6–7 unidentified persons armed with *dangs* and baseball bats, arrived in a jeep and waylaid the complainant and his wife. They started damaging the window panes of his vehicle, as a result of which a piece of glass struck him above his upper lip, causing bleeding. It was further alleged that the petitioner, after firing a shot in the air, approached the complainant and forcibly pulled him out of the vehicle. In order to save himself and his wife, the complainant fired 3–4 shots from his licensed revolver, one of which hit the petitioner. Thereafter, the companions of the petitioner took him away in their vehicle. The complainant was subsequently admitted to Civil Hospital, Zira.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that it is a case of version and cross-version. Learned counsel has submitted that, earlier, the petitioner was granted concession of anticipatory bail by the Court below, vide order dated 04.09.2024. Learned counsel has submitted that, subsequently, offences under Section 131/109 of the BNS were added. Learned counsel has argued that, in fact, the petitioner had received firearm injury on his chest at the hands of the complainant and remained hospitalized in critical condition, however, instead of taking action against the complainant, the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that, allegedly, the petitioner

CRM-M-9530-2026

had fired a shot in the air, thus, no offence under Section 109 of the BNS is made out against the petitioner.

3.1. Learned counsel asserts that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Learned counsel has asserted that nothing is to be recovered from the petitioner. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and, hence, no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel, while raising submissions in tandem with the short reply, which is already on record, has opposed the grant of anticipatory bail to the petitioner by arguing that there are specific and direct allegations against the petitioner. Relevant of the said short reply reads thus:

“19. *That it is further submitted that after the occurrence, Gulbag Singh, the petitioner firstly visited Civil Hospital, Zira and without preparation of MIR, was referred to GGS Medical College and Hospital, Faridkot by Medical officer, Civil Hospital, Zira. Gulbag Singh petitioner instead of reaching GGS Medical College and Hospital, Faridkot, admitted to Moga Medicity Superspeciality Hospital, Moga on 03.08.2024 vide MMSH-42629 and left the said Moga Medicity Hospital against medical advice on the same day. The MLR of the patient was also not conducted in this hospital. Thereafter, Gulbag Singh petitioner was admitted in DMC Hospital, Ludhiana vide admission no.2024058447. The concerned Doctor of DMC Hospital, Ludhiana has sent Ruqa no.75712 dated 03.08.2024 to the Police of PS:City Zira upon the receipt of the same, ASI Satpal Singh no.1229/FZR visited DMC Hospital, Ludhiana and recorded the statement of Gulbag Singh. The investigating officer sought the final opinion qua the injuries of Gulbag Singh petitioner from the concerned Doctor, but he has not given the same it was informed that since no MR was conducted*

by the patient Gulbag Singh petitioner, either at Civil Hospital, Zira or at MogaMedicity Hospital as well as DMC, Ludhiana and as such no final opinion qua the injuries can be given.

ROLE OF PETITIONER

So far as the role of the petitioner is concerned, he was specifically named in the FIR. The petitioner armed with pistol along accompanied by 6-7 unidentified persons armed with Dangs and baseball bats came in a jeep and waylaid complainant and his wife. They started damaging the window panes of his vehicle, as a result of which a piece of pane hit above his upper lip and blood started oozing. The petitioner also fired shot in the air and pulled complainant out of the vehicle. The pistols used by petitioner is yet to be recovered from the petitioner.

PAST CRIMINAL ANTECEDENTS OF PETITIONER

As per police record, except the present case, one another FIR no.44 dated 16.04.2016/s 336,506,148,149 IPC and 25/27 Arms Act PS:Sadar, Zira was registered against the petitioner in which he was acquitted on 12.02.2026.”

The petitioner was specifically named in the FIR. Learned State counsel has also argued that the petitioner has no clean antecedents and he is involved in other FIR(s). Given the severity of the offence and no clean antecedents, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. On these submissions, dismissal of the present petition is entreated for.

4.1. Learned counsel for respondent No.2 has also opposed the grant of anticipatory bail to the petitioner by arguing that there are direct/ serious allegations against the petitioner. Learned counsel has submitted that the petitioner and his co-accused, in further of common intention, opened attacked on the complainant and his wife when they were travelling in their car, caused serious injuries, and also damaged their car. In case, the petitioner is accorded the concession of anticipatory bail, there is all

CRM-M-9530-2026

likelihood that he may abscond from the process of justice and also interfere with the prosecution evidence/ witnesses. On the strength of these submissions, dismissal of the petition in hand is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the prosecution case, indubitably, grave and serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, the petitioner, armed with a pistol and accompanied by 6–7 unidentified persons armed with *dangs* and baseball bats, waylaid the complainant and his wife while they were travelling in their vehicle. The petitioner and his associates intentionally damaged the vehicle and created a violent situation, during which a piece of broken glass caused injury to the complainant. It is further alleged that the petitioner fired a shot in the air and forcibly pulled the complainant out of the vehicle, thereby clearly demonstrating his active and leading role in the commission of the offence. The seriousness of the allegations is further evident from the fact that offences under Sections 131 and 109 of the Bharatiya Nyaya Sanhita have subsequently been added.

7. Indubitably, the petitioner has no clean antecedents as he is stated to have been involved in other FIR(s).

8. The petitioner has been specifically named in the FIR, and the nature of the injuries attributed to him is serious reflecting the severity of the alleged act. No cause *nay* plausible cause has been shown, at this stage, from

which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Supreme Court held as under : (SCC p. 189, para 6)

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

9.1. In view of the gravity of the allegations, the specific role attributed to the petitioner, the serious nature of injuries sustained by the complainant and others and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

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

(SUMEET GOEL)
JUDGE

March 10, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No