

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-11855-2026****Date of decision: 10.03.2026**

Gurbinder Singh @ Nikka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Baldev S Sidhu, Advocate for the petitioner.

Mr. Kamalpreet Bawa, DAG, Punjab.

AARADHNA SAWHNEY, J (ORAL)

1. Petitioner, who is accused in case FIR No.199 dated 13.10.2023 registered against him, for commission of offences punishable under Sections 336 IPC (now Section 125 of BNS) and Sections 25,27,54,59 of Arms Act at Police Station Gharinda, District Amritsar, has filed the instant petition, praying for grant of pre-arrest bail.

2. Relevant facts as emerging from the documents on record be noticed hereinbelow:

Gurnam Kaur, Ex-Sarpanch of village Gumanpura, Police Station Gharinda, District Amritsar set the criminal law in motion by filing a complaint pointing therein that at about 11:15 a.m. on 11.10.2023, she was present in the house of her son Sikandar Singh when two motorcycles stopped outside the house. She noticed that one motorcycle was being driven by Lovepreet Singh @ Love son of Paramjit Singh, while Nikka (P) was riding pillion on the same. The other motorcycle was being driven by Paramjit Singh, son of Gurmukh Singh, who was known to her earlier, whereas an unknown person was riding pillion on the said vehicle. All four boys started abusing Sikandar Singh. Without any further



provocation, Nikka (P) and Lovpreet Singh, who were armed with pistols, started firing shots in the air. When people from the locality started gathering, they sped away but not before hurling cheap abuses and issuing threats. Extremely terrified by the incident, she and her family members stepped out of the house little later and noticed some empty bullets lying at the site. She further mentioned that few days ago, her grandson Amritpal Singh had earlier gone to Saloon for getting a hair-cut, where an altercation had taken place with Lovepreet Singh @ Love, who had abused Amritpal in open and had threatened to kill him on any suitable opportunity. She also pointed out the reason for late lodging of the complaint and stated that till now efforts were being made by the respectables of the locality to amicably sort out the dispute. When they were unsuccessful, criminal proceedings were initiated. Primarily with this backdrop, she requested the police Authorities to catch hold of miscreants as also initiate appropriate criminal proceedings against them. On the basis of the said complaint, aforesaid FIR was registered.

Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Session Judge, Amritsar. The same came to be dismissed vide order dated 20.02.2026. Aggrieved of which, the present petition has been filed.

3. Learned counsel for the petitioner contends that the petitioner, who is permanent resident of village Pandori Ran Singh, Tehsil and District Tarn Taran, has been falsely implicated in the present case. In fact, he occasionally visits village Ghumanpura, which is the parental village of his mother. On many occasions, he had met Lovepreet Singh and Paramjit Singh, who are residents of village Ghumanpura. However, on the day of the alleged incident, the petitioner was not present in village Ghumanpura. Thus, it is apparent that he has been

unnecessarily dragged into the present criminal case. Further, petitioner was not



nursing any ill-will against the complainant or her family members and therefore there was no occasion for him to participate in the alleged incident. Only because the petitioner was known to co-accused Lovepreet Singh, who in the past had had an altercation with the grand-son of the complainant, he (P) has been falsely nominated as an accused. Even otherwise, the version of the complainant does not stand corroborated by any other independent evidence such as CCTV footage etc. The fact that criminal proceedings were initiated after an unexplained delay of two days clearly suggest that a colored version has been portrayed by the complainant. When viewed in totality, custodial interrogation of the petitioner is not required, for nothing is to be recovered from him but being a law-abiding citizen, he is willing to join the investigation as and when called for. Prayer for allowing the petitioner has been made.

4. *Per contra*, while opposing the request for grant of bail, learned State counsel contends that the petitioner was named by the complainant in the complaint, which though was lodged after a delay of about two days but the reason for the delay was duly explained by the lady, who mentioned specifically that the respectables of the village were trying to amicably resolve the dispute and had asked her to wait for some time but when these talks fizzled out, she moved a complaint wherein she named the present petitioner, who according to her was riding pillion on the motorcycle being driven by Lovepreet Singh son of Paramjit Singh. She further pointed out that both the present petitioner and Lovepreet Singh were armed with pistol and started firing in the air and also hurled cheap abuses at her family members. In fact, empty bullets were also recovered from the spot. Towards the end, learned State counsel contends that custodial interrogation of the petitioner is necessary for recovery of the pistol used by him in the incident.

That apart, even the past antecedents of the petitioner are quite questionable; he



and two for violating the provisions of NDPS Act. Investigation being at a nascent stage, the petitioner has failed to make out a case of exceptional depravity or hardship in his favour entitling him for the grant of this extraordinary relief of pre-arrest bail. Dismissal of the petition has been prayed for.

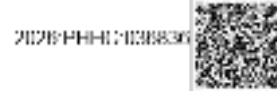
5. I have heard learned counsel for the parties and perused the documents available on record.

6. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner, learned counsel for the complainant and learned State counsel, it would be appropriate to refer to certain relevant judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. 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 fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy."

In **Prasanta Kumar Sarkars case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had



highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-

9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail.”*

In Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs. The State of Maharashtra and another, 2025 AIR SC 3375, the Hon’ble Supreme Court held that “Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner.”

7. Factual backdrop of the case and the role played by the petitioner in the entire incident has already been highlighted in para 2 of the order. Specific role was attributed to petitioner, who was named in the complaint. As per complainant, petitioner along with Lovpreet Singh had fired shots in the air outside the house of son of complainant. Empty bullets were also recovered from the site. As has been rightly pointed out by learned State counsel, the reason for late lodging of the FIR has also been mentioned in the complaint, at this stage there being nothing on record to doubt the version of complainant. The plea of the



petitioner that he was not present in village Gumanpura at the time of incident remains unsubstantiated for no document in support thereof has been tendered.

Considering the facts referred above and taking into account the seriousness of offence, custodial interrogation of the petitioner is required to recover the weapon used by him in the commission of offence. As the investigation is at the preliminary stage and same shall be hampered and impeded in case the accused is released on anticipatory bail.

Agreeing with the submissions made by learned State counsel, this Court is of the opinion that the petitioner has failed to make out a case for grant of this extraordinary relief of pre-arrest bail.

Dismissed.

10.03.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No