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

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CRM-M-22365 of 2026

Date of Decision: 07.05.2026

Gurpartap Singh @ Kali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Neeraj Yadav, Advocate
for the petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.139 dated 09.08.2025 registered under Sections 109, 190 and 191(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25/27/54/59 of the Arms Act (Section 238 of the BNS added later on), at Police Station Sadar Amritsar, District Police Commissionerate Amritsar.
2. Brief facts as per the prosecution case are that the petitioner along with other co-accused fired gunshots with an intention to kill the complainant, due to some old enmity. Hence, the present FIR.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He argued that the petitioner has been

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intentionally roped in the present FIR due to political vendetta. He further argued that even if the contents of the FIR are taken to be true, then also no specific injury has been attributed to the present petitioner and the only allegation against him is that he pelted brickbats at the house of the complainant. He further argued that no firearm has been used by the petitioner in the occurrence. He further argued that Section 109 of BNS has been added, only to make the offence graver. Moreover, the petitioner has clean antecedents as he is not involved in any other case. No recovery is to be effected from the petitioner. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar, vide order dated 06.10.2025.

5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, she has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. She argued that the petitioner has been specifically named in the FIR. She further argued that the petitioner along with other accused, armed with deadly weapons, had formed an unlawful assembly and attacked the complainant and his family, resulting into firearms injuries to Babu Ram-nephew of the complainant and caused serious injuries to others. She further argued that the

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petitioner pelted brickbats at the house of the complainant and as such, he has actively participated in the crime. She further submitted that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter, to recover the weapon of offence and to take the investigation to its logical end. Hence, she prays for dismissal of the petition.

6. Heard.

7. In the present case, the petitioner is specifically named in the FIR and the allegations against him are serious in nature. There are specific allegations against the petitioner that the petitioner was part of an unlawful assembly who armed with firearm weapons at the spot, intentionally entered into the house of the complainant and thereafter, fired gunshots with an intention to kill him, resulting into firearm injury to Babu Ram (nephew of the complainant). The petitioner is alleged to have pelted brickbats at the house of the complainant and actively participated in the crime. The investigation *prima facie* point towards requirement of deeper probe for which custodial interrogation of the petitioner is required and the weapon of offence is yet to be recovered. While considering plea for grant of anticipatory bail, this Court is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act.



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8. 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 would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"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 information 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."

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9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Thus, the present petition being devoid of merits is hereby dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(RUPINDERJIT CHAHAL)
JUDGE

07.05.2026*D.Bansal*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No