

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:084796



208

CRM-M-28774-2026 (O&M)
Date of decision:27.05.2026

Baljinder Singh & Another

... Petitioners

Vs.

State of Punjab & Another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Petition qua petitioner No.1 stands dismissed as withdrawn vide order dated 21.05.2026.

Mr. L.S. Sidhu, Advocate for petitioner No.2.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Jaskaran Singh, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case arising out of FIR No.99, dated 29.04.2026, registered under Sections 109, 115(2) and 3(5) of the BNS and Section 27 of the Arms Act, at Police Station Talwandi Sabo, District Bathinda.

2. The aforementioned FIR was registered on the basis of a statement recorded by complainant - Amarjeet Singh, alleging therein that his nephew Baljinder Singh was a substance abuser and kept on quarrelling with his family members. On 28.04.2026, the complainant came to know

that Baljinder Singh had given beatings to his wife and son and had also used a firearm by firing in the air and his wife has left for her parental house. In the morning of 29.04.2026, he went to the house of Baljinder Singh so as to prevail good sense upon him. Accused Baljinder Singh accompanied by the petitioner Balkaran Singh and one Dhallu Singh was sitting in a room of his house and all of them were consuming liquor. When the complainant and his sister tried to prevail good sense upon Baljinder Singh, he felt offended and told them to go out of his house. He was in drunken condition. The complainant left his house and while he was sitting on a cot in front of house of his nephew, accused Baljinder Singh reached there while holding a licensed pistol. He was accompanied by the petitioner and Dhallu Singh. The petitioner No.2 was carrying a *gandasa*. Baljinder Singh made an exhortation and then petitioner No.2 struck a blow with *gandasa* towards the complainant with an intent to kill him. The right side of his back was injured. Thereafter accused Baljinder Singh fired a shot with his licensed pistol and the firearm hit his right leg. On rescue alarm being raised by him, several other persons reached at the spot and then the petitioner and Baljinder Singh had fled away.

3. After registration of the FIR, investigation proceedings were initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Bathinda vide order dated 11.05.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The injury that has been attributed to

him does not attract the provisions of Section 109 of the BNS. The matter has been amicably settled between the parties and a compromise has even been executed by the respondent/complainant. He has also sworn an affidavit affirming the factum of compromise. The custodial interrogation of the petitioner is not required. He is ready to join the investigation. No recovery is to be effected from him. It is, thus, urged that the petition deserves to be allowed.

5. Per contra, learned State counsel, while relying upon the status report, has argued that the petitioner in connivance with the co-accused Baljinder Singh had opened an attack upon the complainant and had caused injuries to him. Though, firearm injury has not been attributed to him, however, the allegations against him are serious in nature. It is, therefore, stressed that the petitioner does not deserve to be extended the benefit of bail.

6. Reply by respondent No.2 has been filed affirming the factum of compromise and it is submitted therein that respondent No.2 has no objection, if the petition is allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties.

8. The petitioner in connivance with the co-accused is alleged to have assaulted the complainant and have caused injuries to him. As per the allegations, the firearm injury had been caused by the co-accused Baljinder Singh, who is real maternal uncle of respondent No.2. The injuries that have been attributed to the complainant have not been opined to be dangerous to life. The plea that a compromise has been arrived at between the parties

cannot be stated to be of much relevance at this stage. However, given the nature of the allegations as levelled against the petitioner and the attendant facts and circumstances, this Court is of the considered opinion that pre-trial incarceration of petitioner No.2 is not required. Even otherwise, pre-trial incarceration should not be a replica of post conviction sentencing. Taking into consideration the above discussed facts, petitioner No.2 has made out a case for his release on bail. Accordingly, the petition is allowed and petitioner No.2 is ordered to be extended benefit of anticipatory bail, subject to his joining investigation and surrendering within a period of 15 days from the date of receipt of a certified copy of this order and upon his doing so, he shall be released on bail by the **Investigating Officer** on furnishing personal as well surety bonds to his satisfaction and further subject to following conditions:-

(i) the petitioner shall cooperate with the investigation and shall appear before the investigating officer/arresting officer as and when required.

(ii) he 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/her from disclosing such facts to the Court or to any Police Officer.

(iii) he shall not commit any similar offence while on bail.

9. In case of violation of any of the above conditions, the

jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

10. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

11. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

27.05.2026

harjeet

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

(MANISHA BATRA)
JUDGE