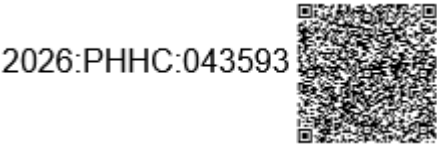


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-74121-2025 (O&M)

Amanbir Singh

... Petitioner

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	12.03.2026
2.	The date when the judgment is pronounced	19.03.2026
3.	The date when the judgment is uploaded on the website	19.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Deepak Arora, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. Amardeep Singh, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The instant one is the second petition as filed by the petitioner seeking benefit of anticipatory bail in case arising out of FIR No.89, dated 01.09.2025, registered under Sections 109, 125, 191(3), 190 of BNS and Sections 25 and 27 of the Arms Act, at Police Station Kacha Pakka, District

Tarn Taran. His previous petition bearing CRM-M-65083-2025 has been dismissed as withdrawn vide order dated 20.11.2025.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Jaswinder Singh on 01.09.2025, alleging therein that on the same day, the birthday of Baba Shri Chand Ji was being celebrated at Gurudwara Baba Brahmndass Ji at his village Bhaini Gurmukh Singh. He along with his uncle Sukhwinder Singh and Baljinder Singh had come to the Gurudwara. Satnam Singh was also present there. An altercation took place between accused Salwinder Singh and his uncle Satnam Singh on the question of drainage of rain water. After sometime, accused Salwinder Singh accompanied by the present petitioner, Makhan Singh and Gurchet Singh reached there. They were armed with weapons. They made exhortations and after entering inside the Gurudwara, the petitioner fired a shot in the air with his revolver and then Salwinder Singh fired a shot with his .12 bore gun at the complainant with an intent to kill him. The shot hit the thumb and index finger of his left hand. The pellet hit Sukhwinder Singh and Baljinder Singh. On clamour being raised, several persons reached there and then the assailants fled from the spot. After registration of the FIR, investigation proceedings were initiated. 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, Tarn Taran vide order dated 07.11.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case due to political rivalry, he being a supporter of congress party whereas the complainant is supporter of the

ruling government and as such, there are political grudges between them. No specific overt act or injury has been attributed to him and the firearm injury has been attributed to co-accused Salwinder Singh. The weapon of offence stands recovered from him. Infact the petitioner was not even present at the spot at the time of occurrence and has been falsely implicated. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Co-accused Gurchet Singh Makhan Singh have been extended benefit of interim bail. On parity, he too deserves to be extended the same benefit. With these broad submissions, it is, argued that he deserves to be extended the benefit of pre-arrest bail.

4. Status report has been filed. Learned State counsel assisted by learned counsel for the complainant has vehemently argued that the allegations against the petitioner are serious in nature as he was an active member of the unlawful assembly formed with the co-accused. He had fired shots with his revolver to overawe the complainant and his companions and was infact the precipitator of the crime. For conducting thorough and proper investigation in the matter and for effecting recovery of the gun used by him, custodial interrogation of the petitioner is required. There is no extraordinary or exceptional circumstance for grant of pre-arrest bail is made out. It is further argued that the instant one is the second/successive petition is not maintainable since the previous petition as filed by the petitioner had been dismissed as withdrawn on 20.11.2025 and there is no drastic or substantive change in the circumstance. It is, therefore, stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned

counsel for the parties.

6. The petitioner by forming a membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, is alleged to have opened an assault upon the complainant and his companions by firing a shot in the air whereas co-accused Salwinder Singh had fired shot, thereby causing injuries to the complainant and his uncle Satnam Singh. The firearm used by the petitioner might not have caused any injury to the complainant or any other person, however, in view of the allegations in the FIR, not only presence of the petitioner but his active complicity in the crime stands established. He has also been linked with the aid of Section 190 of the BNS and is presumed to be having knowledge about the nature of offence which was likely to be committed in prosecution of common object. After dismissal of the petition as filed by the petitioner on 20.11.2025, this petition had been filed on 01.01.2026 i.e. within a period of 1½ months. The petitioner has failed to show any drastic and substantive change in the circumstance from the dismissal of the previous petition. The powers for grant of pre-arrest bail are to be exercised in extraordinary and exceptional circumstances. However, no such circumstance is made out in this case. The case is at its nascent stage. For conducting proper and thorough investigation in the matter, custodial interrogation of the petitioner is must. If the petitioner is given the shield of anticipatory bail that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation. The Court is also required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Accordingly, finding no

compelling ground to allow the petition, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

19.03.2026

harjeet

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

(MANISHA BATRA)
JUDGE