



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

102

CRM-M-38639-2025

Date of decision: 22nd July, 2025

Gurbans Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

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 bearing FIR No. 73 dated 12.04.2025 registered under Sections 109 and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 27 of Arms Act, 1959 at Police Station Sadar Faridkot, District Faridkot.

2. The aforementioned FIR had been registered on the basis of statement recorded by the complainant Gurjit Singh, on 12-04-2025 alleging that his cousin Jaswant Singh was the present Sarpanch of his village. On 12-04-2025, Jaswant Singh was present in the Gurdwara, when the petitioner along with his father Sukhwant Singh @ Sukha reached there on Activa vehicle. The complainant along with one Jaswinder Singh was standing near the gate of the Gurdwara at that time. Within his sight, the petitioner made



an exhortation and thereafter, the co-accused Sukhwant Singh @ Sukha fired 4-5 shots with his licensed revolver thereby injuring Jaswant Singh, brother of the complainant, in his abdomen. On clamour being raised by the complainant, the other persons gathered at the spot and then the assailants fled. The complainant alleged that the cause of grudge was that his family had supported AAP party candidate in the elections of Member of Parliament and the petitioner was belonging to the other party and was offended due to that fact. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail which was dismissed by the court of learned Additional Sessions Judge, Faridkot vide order dated 10.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No injury has been attributed to him. As per the allegations in the FIR itself, he had only raised a *lalkara* which is a very weak type of attribution. No specific overt act has been attributed to him. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. His father has already been arrested and weapon of offence has been recovered from him. Therefore, it is, argued that he deserves to be extended benefit of pre-arrest bail.

4. Notice of motion.

5. Learned Deputy Advocate General, Punjab has advance notice of the petition and is ready to argue the matter. It is submitted by him that the victim has sustained serious injuries and even after a gap of more than three months from the date of incident, he is still hospitalized. An SIT was



constituted and the participation of the petitioner in the incident has been fully established. The petitioner had come along with the co-accused to the place of incident and had left with the same. The allegations against him are grave in nature. For conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. No extraordinary or exceptional circumstance for grant of bail is made out in his favour. Therefore, it is, urged that the petition does not deserve to be allowed.

6. Rival contentions raised by learned counsel for the parties have been considered.

7. The allegations against the petitioner are that he had reached at the place of occurrence along with his father on the fateful day and in furtherance of common intention with his father i.e. co-accused had made an exhortation, thereby instigating his father to open fire upon the brother of the complainant, and then the co-accused had fired a shot upon the victim, thereby causing serious injuries to him. The victim is stated to be hospitalized, even till date. The allegations against the petitioner are serious in nature. He might not have fired a shot on the person, but nonetheless, he is alleged to be an active participant. Given the nature of the allegations, this Court is of the opinion that no exceptional and extraordinary circumstance warranting exercise of powers for grant of pre-arrest bail is made out in this case. Even otherwise, it is a well settled proposition of law that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. Many useful information can be disinterred during custodial interrogation. Keeping in view the nature of the subject offences



and the role attributed to the petitioner and for the purpose of eliciting the truth, I am of the considered opinion that the petitioner does not deserve to be extended benefit of pre-arrest bail. Accordingly, the petition stands dismissed.

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

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

[MANISHA BATRA]
JUDGE

22nd July, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*