



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20504-2025
DECIDED ON: 16.04.2025

LAKHWINDER SINGH @ KHINDA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS seeking grant of anticipatory bail to the Petitioner in case FIR No. 07 dated 17.02.2025, U/s 109, 125, 3 (5) of BNS and Section 25 of Arms Act, Police Station Tarsikka, District Amritsar (Annexure P- 1).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Karam Singh son of Milkha Singh, resident of village Muchhal, age 60 years, mobile number 9501003459, stated that I am a resident of the said address and work as a laborer. On 16-02-2025, at 7.30 in the evening I was standing in the street near my house, Sunny son of Sukha Singh, resident of Muchhal, who was sitting in a car branded cruze color white, who had a pistol in his hand and there were 3-4 unidentified persons with him who also had weapons and Lakhwinder Singh alias

Khinda son of Avtar Singh resident of Muchhal who had a pistol and 3-4 unidentified persons present with him were also carrying sharp weapons. The above said Sunny was firing toward Lakhwinder Singh and others and Lakhwinder Singh alias Khinda was also firing toward Sunny and others. One fire hits upon the leg of Manpreet Singh son of Tarsem Singh, a resident of Muchhal, who was standing in the street, and many people gathered there, and these parties were also abusing each other. After seeing gathering of the people both the parties started fleeing from the spot with their respective weapons, then Sunny alongwith 3-4 unknown persons who came with him, tried to fled away from the spot with his car and with the intention to kill me, he rammed the car over me, which also broke my leg. My son got me admitted in the hospital.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, the petitioner was only carrying a fire arm. He further contends that no specific role or injury has been attributed to the present petitioner. Mr. Bajwa, learned counsel for the petitioner referred to an affidavit dated 07.04.2025 (Annexure P-3) which is alleged to have been executed by injured Manpreet Singh son of Tarsem Singh, who has deposed therein that it is co-accused namely Sunny, who caused the injury and the petitioner is totally innocent. He further asserts that co-accused namely Mandeep Singh @ Sunny has already been granted the concession of anticipatory bail by this Court vide order dated 24.03.2025 (Annexure P-2) passed in CRM-M-15909-2025.

It has been contended on behalf of the petitioner that the petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jasjit Singh Rattu, DAG, Punjab accepts notice on behalf of the respondent-State and seeks dismissal of the instant petition on the ground that the allegations against the present petitioner are that he caused gunshot injury on the leg of injured Manpreet Singh and the said injury has been declared dangerous to life.

4. **Analysis**

Be that as it may, on a specific query being put by this Court, Mr. Jasjit Singh Rattu, DAG, Punjab could not putforth any cogent material or evidence including MLR to establish the aforesaid arguments raised on behalf of the prosecution and in the light of affidavit dated 07.04.2025 (Annexure P-3) which is not actually denied by the State as well as considering that the issues regarding the alleged injury and the petitioner's specific role remain disputed and debatable wherein co-accused namely Mandeep Singh @ Sunny has already been granted the concession of anticipatory bail by this Court vide order dated 24.03.2025 (Annexure P-2) passed in CRM-M-15909-2025.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by

the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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 from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

**(SANDEEP MOUDGIL)
JUDGE**

16.04.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No