



IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 101

Criminal Miscellaneous No.M-29089 of 2025

Date of Decision: May 26, 2025

Mandip Singh @ Deepa

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

PRESENT: - Mr. J.P. Devgan, Advocate, for the petitioner.

Mr. Jastej Singh, Additional Advocate General, Punjab.

SANDEEP MOUDGIL, J (Oral)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.17 dated 31.01.2025 under Section 312 of Bharatiya Nyaya Sanhita, 2023 and Sections 25(6), 25(7), 54, 59 of the Arms Act, 1959 registered at Polie Sation, City Patti, District Tarn Taran.

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

“Statement of Ramandeep Singh son of Dheera Singh resident of Garden Colony Ward No.17 Patti District Tarn Taran aged about 36 years Mobile No. 9888787017. Stated that I am resident of aforementioned address and do the duty on the post of Agriculture Development Officer at Block Valtoha. Today i.e. on 31.01.2025, time would be about 02:17 PM that I was sitting in the room of my house at Garden Colony, then my father namely Dheera Singh who is old aged and my mother namely Surjit Kaur who were standing in the verandah built in the house, then one Silver Coloured without number Alto Car which had soil on its number plate stopped outside our house, out of which, 5 unidentified youths whose faces were covered came out of the same and knocked the main gate of our house, then my father Dheera Singh who was sitting in the verandah opened the gate, then one youth out of them asked about closing of the gate of the house of Sonu residing in front of our house and said that do you know about the keys of the house of Sonu? Upon which, my father replied that we do not know about the keys of the house of Sonu, then



*one person out of them pushed back my father and threw down on the ground and pointed the pistol on the chest, then in the meanwhile, my mother raised alarm, then one person out of them pressed the mouth of my mother with a cloth, then my mother raised alarm by pushing him back, then in the meantime, I quickly came outside by running, then these five persons ran away by riding into the car. That they have come to our house with intent to commit robbery, who were wishing to commit robbery by giving the threat of pistol. Regarding this, I have complained in the police station. Legal action may be taken against these accused and justice may be delivered to us. I recorded statement to you, read, is correct. SD/- Ramandeep Singh Ramandeep Singh above said. Reiterated Statement SD/- Amarbir Singh Amarbir Singh son of Mukinder Singh resident of Garden Colony Patti Attested Gurmit Singh ASI Police Station City Patti Dated 31.01.2025. Police Proceeding:-Today myself ASI alongwith ASI Harjinder Singh 1337/TT, PHG Wazira Singh 3971 by riding on private vehicle in connection with patrolling and checking of suspicious persons were present at Verka Chownk, then phone call of MHC Police Station received that occurrence has been taken place in the house of Ramandeep Singh son of Dheera Singh resident of Garden Colony Ward No.17Patti, you please reach at the spot quickly. Upon which, myself ASI alongwith companions have reached in the house of above said Ramandeep Singh, who met present in his house alongwith Amarbir Singh. He recorded his above noted statement to myself ASI. His statement after writing read over word to word. That Ramandeep Singh after hearing and admitting his statement to be correct put his signature in English under his statement. Amarbir Singh reiterated the statement and signed in English. Myself ASI attested the same. From the contents of the statement, 05unidentified persons tried to commit the robbery with weapons, against who the commission of offence under Section 312 BNS,25(6),25(7) Arms Act is found. Statement for registration of FIR is sent to the police station by hand of PHG Wazira Singh 3971. FIR number may be intimated after registration of FIR. Information may be conveyed to the Control Room. Special reports by **issuing** may be sent into the service of the **Illaqa Magistrate** and senior officials. Myself ASI alongwith companions are busy in the investigation at the spot. Today within jurisdiction area at Residential House of Ramandeep Singh Ward No.17 Garden Colony Patti AT: 10:40 PM. SD/- Gurmit Singh ASI Police Station City Patti Dated 31.01.2025. At this time, above numbered FIR under aforementioned Sections registered on receipt of above noted statement alongwith police proceeding at the Police Station. Original application alongwith copy of FIR is being sent by hand of arrived PHG Wazira Singh 3971 to the ASI for further investigation at the spot. Special reports by issuing are being sent by hand of CT Sandeep Singh 1297 into the service of senior officials and the Illaqa Magistrate. Control Room is being informed through E-mail. Completion DDR No. 40 Time 11:35Dated 31.01.2025”*



3. SUBMISSIONS

ON BEHALF OF THE PETITIONER:

It is contended by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case by the complainant on the basis of cooked up story which in indeed does not hold any iota of truth. He further contends that no shadow of evidence is reflected in the FIR to show that the petitioner was part of the commission of the offence. It is urged by the counsel for the petitioner that nothing is to be recovered from the petitioner as the alleged Alto car as well as cartridges used in the commission of offence has already been recovered from the co-accused.

Notice of motion

ON BEHALF OF RESPONDENT-STATE:

Learned state counsel accepts notice on behalf of the respondent-state and prays for dismissal of the instant application while submitting that the petitioner along with the co-accused is alleged to have forcibly entered into the complainant's house and muffled the mouth of the complainant's mother and pointed a pistol at the chest of his father. He further submits that there are categorical allegations against the petitioner that he along with the co-accused entered the house of the complainant. Since, there are specific allegations against the petitioner therefore the state counsel prays for his dismissal or grant of bail.

4. Heard learned counsel for the parties at length and meticulously gone through the record in hand.



5. ANALYSIS AND CONCLUSION

Be that as it may, after considering the submissions made herein above and on perusal of the assertions made in the petition as well, this court is of the firm view that custodial interrogation of the petitioner is required particularly in view of the fact that serious overt act has been attributed to the petitioner.

It is evident from the record in hand that though a countrymade 315 bore pistol had been recovered from the possession of accused Gurpreet Singh and another 32 bore pistol alongwith three live cartridges had been recovered, still the investigating agency is yet to unearth the exact role of the petitioner in the whole incident for which the custodial interrogation of the petitioner is required.

Moreover, it is settled proposition of law that power exercisable under Section 482 BNSS, is somewhat extraordinary in character and it is to be exercised in exceptional cases. In '**State of Andhra Pradesh vs. Vimal Krishna Kundu**', AIR 1997 SC 3589, Apex Court has held that in case of well-orchestrated conspiracy, if the accused is equipped with anticipatory bail order before interrogated by police, would greatly harm the investigation and would impede the prospects of unearthing all the ramification involved in the conspiracy.

Although, in the instant case, the petitioner is not shown to be armed with any specific weapon nor any specific injury is attributed to him but since the allegations against the petitioner, include attempt to commit robbery alongwith allegations to have been carrying 325 bore pistol, therefore by no stretch of imagination this court is inclined to take a lenient view.



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Hence, in the light of above stated facts and circumstances, this petition is sans merit and is hereby dismissed.

However it is made clear that the observations made herein above shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.

Ordered accordingly.

(SANDEEP MOUDGIL)
Judge

May 26, 2025
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No