

stopped outside the cafe. Four-five persons alighted from these vehicle and entered his cafe. Without any provocation, Arshi stabbed him with a kirpan, Vikas Sharma, who was standing outside the cafe, started firing but the gunshots did not hit anybody. When people started gathering on the road, the assailants sped away along with their vehicles. His friend Sujain Shah (petitioner in the present petition), who had suffered injuries was got admitted. Balwant Singh further pointed out that on a previous occasion, he had had a fight with Dharamvir @ Raja. Criminal cases were registered against both of them. Thus, relations were not normal and only with a view to level scores, Dharamvir along with his friends assaulted him.”

DDR No.19 dated 31.08.2025 u/s 109/351(2)/190/191(3)/125(a) of BNS and Section 25 of the Arms Act, 1959, was recorded on the statement of Vikas Sharma, who gave his own version of the incident. According to him, in the late hours of 28.08.2025, when he and his friends were outside the cafe, a verbal altercation occurred between them and Sujain Shah (P), Bitu and Balwant Singh @ Lavi etc. Immediately thereafter, Sujain Shah and Bitu started throwing chairs and with an intention to kill them, the duo (Sujain Shah and Bitu) fired gunshots. One of the shots fired by Sujain Shah hit Neeraj Kumar in his stomach, whereas the second shot crossed by Arshi grazing his shoulder. Bittu also took out his pistol and fired in the air. Neeraj Kumar, who had suffered gunshot injuries was lying in a pool of blood and was rushed to Civil Hospital, Rupnagar, where first-aid treatment was provided to him. On account of his delicate medical condition, however, he was referred to the PGIMS, Chandigarh.

3. Apprehending his arrest, the present petitioner Sujain Shah moved an application for grant of anticipatory bail before the Ld. Additional Sessions Judge, Rupnagar, which was dismissed in terms of the order dated 10.09.2025. Aggrieved of the said order, the present petition has been filed.

4. Learned counsel for the petitioner submits that the petitioner has

been falsely implicated in the present case merely on the ground that he was present in the cafe, when the assailants unleashed an attack on Balwant Singh etc. Learned counsel further submits that a careful version of the contents of the FIR and DDR would itself reveal that Vikas Sharma and others were the aggressors, they had entered the cafe of Balwant Singh and after a verbal altercation unleashed an attack only with a view to level scores with him (Balwant Singh) on account of prior enmity. Learned counsel submits that in fact, petitioner was the person, who had rushed injured to the hospital and allegations levelled in the DDR that he had fired gunshots are totally incorrect, for it was co-accused Bitu, who had fired with his licensed weapon, only with a view to save himself and others in the cafe.

Learned counsel further submits that petitioner is willing to join the investigation as and when called for by the I.O. Primarily with these submissions, learned counsel prayed for allowing the petition by granting the concession of anticipatory bail to the petitioner.

5. Status report dated 27.09.2025 by way of affidavit of Mr. Ajay Singh, PPS, Deputy Superintendent of Police, Sri Anandpur Sahib, District Rupnagar, has been filed. The same is taken on record.

In para 4 thereof, it has been pointed out that the medico legal report of injured Neeraj Kumar received from the Civil Hospital, Sri Anandpur Sahib, depicts that he (Neeraj Kumar) had suffered two gunshots injuries. After registration of the FIR, the investigating team visited the site and took into possession 04 empties of bullets of .32 bore and 03 bullets pellets as also blood found lying on the floor of the cafe. Moreover, injured Neeraj Kumar also endorsed the statement of the complainant. It also emerges that at the relevant time, petitioner Sujain Shah and his friend Balwant Singh, were both armed

with pistols and after a brief altercation between the two groups, gunshots were fired, one of which hit in the stomach of Neeraj Kumar (injured), whereas the other one grazed the shoulder of Arshi.

Past antecedents of the petitioner were also highlighted in para 9 of the status report. Learned state counsel submits that the question as to whether which of the parties was aggressor is a matter of trial, which would be adjudicated upon only after parties lead their respective evidence. As of now, the presence of the petitioner is needed for custodial interrogation to effect the recovery of illicit weapon with which he had fired gunshots. It has, thus, been prayed that no case for grant of bail is made out and the petition be dismissed.

6. Learned counsel for the petitioner and learned State counsel have been heard and documents on record have been perused.

7. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some

extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

The Hon'ble Supreme Court in *Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another, AIR 2011, SC, 274*, had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that:-

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*

(viii) danger, of course, of justice being thwarted by grant of bail.”

8. Factual aspects of the case leading to the lodging of the present FIR and DDR No.19 dated 31.08.2025, have already been noted hereinabove. As has been rightly pointed out by learned State counsel, the genesis of the incident would be known only when the parties lead their evidence. From the documents on record, it can be inferred that petitioner fired shots from his country-made pistol, which hit in the abdomen of Neeraj Kumar, who was seriously injured. Medico-legal report of Neeraj Kumar has also been placed on the case file, which renders support to the version of the complainant. In the backdrop of the role played by the petitioner in the entire incident, the Court is of the opinion that presence of the petitioner is needed for custodial interrogation, to recover the weapon used by him in the offence. Resultantly, petitioner has not been able to make out a case of exceptional depravity/hardship in his favour, in case the concession of extraordinary relief of anticipatory bail is not granted to him.

Accordingly, the present petition stands dismissed.

29.09.2025

Parveen kumar

**(AARADHNA SAWHNEY)
JUDGE**

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