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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-30970-2025  
DECIDED ON: 29.05.2025

ROOP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Inderpal Singh , Advocate  
for the petitioner.

Mr. Jasjit Singh Rattu, DAG Punjab.

**SANDEEP MOUDGIL, J (ORAL)**

1. **Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 47 dated 20.04.2025 under sections 109, 3(5) of the Bhartiya Nyaya Sanhita, 2023 and sections 25/27/29(B)/30 Arms Act registered at Police Station Khemkaran, District Tarn Taran (Annexure P-1).

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

*“Statement of Nirmal Singh, son of Shingara Singh, resident of Ward No. 10, Khemkaran, aged about 65 years, mobile number 95922-07749:I state that I am resident of the above-mentioned address and I do agriculture work. My elder brother Hardeep Singh brought his crop to be sold at the grain market in Khemkaran to Raman Arhtiya*

*(commission agent), resident of Khemkaran. My nephew Harpal Singh, son of Natha Singh, resident of Ward No. 10, Khemkaran, also brought his crop for sale at the shop of commission agent Pyare Sah. Today, on 20.04.2025, at around 7:30 PM, I, along with my brother Hardeep Singh and my nephew Harpal Singh, was present at the grain market, Khemkaran. At that time, Jaspal Singh, son of Roop Singh, resident of Ward No. 12, Khemkaran, was also bringing his crop on a trolley to sell it at Roop Lal's shop in the grain market. When Jaspal Singh's trolley was about to hit the heap of wheat belonging to my brother Hardeep Singh. Then, Jaspal Singh deliberately drove his trolley over the wheat heap of my brother Hardeep Singh. When my brother Hardeep Singh and my nephew Harpal Singh confronted Jaspal Singh, he got enraged and called his brother Jugraj Singh and his father Roop Singh, son of Soorta Singh, residents of Khemkaran, asking them to bring weapons to the grain market. While I, my nephew Harpal Singh, and my brother Hardeep Singh were still trying to pacify Jaspal Singh, Jugraj Singh arrived with a 32 bore revolver and Roop Singh came with a 315 bore rifle. Roop Singh handed the rifle to his son Jaspal Singh and shouted, "What are you looking at? Show them what happens when someone messes with us!" At that, Jaspal Singh pointed the .315 bore rifle at my nephew Harpal Singh with the intention to shoot him and fired a shot, which hit the area near the trolley on Harpal's right side. Then Jugraj Singh also fired shots from his revolver, which hit near the feet of my brother Hardeep Singh. They shouted, "Kill them, kill them," and then fled the scene with their weapons. While fleeing, Jugraj Singh collided with a machine placed in the market and fell, sustaining several injuries. However, he still managed to escape. I arranged transportation and, along with relatives, sent my brother Hardeep Singh and my nephew Harpal Singh to the Civil Hospital, Khemkaran. From there, the doctor referred both of them to Civil Hospital, Tarn Taran. You have now arrived at the scene. I have given my statement on my own, read and heard it and found it to be correct."*

3. **Contention**

**On behalf of the petitioner**

Learned counsel for the petitioner contends that the petitioner was injured during the alleged incident on 20.04.2025 and he sustained gunshot injury and was admitted to a private hospital but his medical examination was not done on account of undue political pressure exerted by the opposite party, however, the medical treatment record from Moga Medicity Super Speciality Hospital would clearly show that the petitioner suffered multiple lacerations and gunshot injury.

It is argued that the petitioner was not the sole aggressor but a party injured in the incident, thereby suggesting existence of cross-version that the prosecution has deliberately ignored and as such, the suppression of material version vitiates the fairness of the investigation. He further averred that wife of the petitioner submitted a complaint to the police on the very same day of occurrence narrating the whole incident but the police did not register FIR on her complaint which clearly shows that the police is biased and politically motivated. Moreover, it is pointed out that no specific role has been attributed and there is no direct evidence to connect the petitioner.

4. **Contention**

**On behalf of the State**

Learned State counsel, on the other hand, seeks time to assist this Court, however, he vehemently countered the prayer for grant of anticipatory bail on the ground that the version of the prosecution was very much plausible and as such, the custodial interrogation of the petitioner is required at this stage. He further submitted that since the case is based on version and cross-version and also that both the parties have inflicted injuries, a balance has to be struck so that no prejudice is caused to free, fair and full investigation.

5. **Analysis**

The medical evidence pertaining to Hardeep Singh and Harpal Singh substantiates the presence of firearm-related trauma. Likewise, petitioner's treatment record from Moga Medicity Super Speciality Hospital reveal injuries characteristic of gunshot wounds, thereby supporting the notion that he was indeed present at the scene of the incident.

The fact that accused is injured may indicate a cross-case or mutual fight but it does not automatically justify anticipatory bail. Courts look for prima facie evidence of the accused's role and whether the injuries suffered by the accused were in self-defence or as part of the mutual violence.

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. Similarly, in ***Ram Govind Upadhyay versus Sudarshan Singh, (2002) 3 SCC 598***, it has been observed as under:

*“3. Grant of bail though being a discretionary order — but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.”*

Given the current stage of the investigation, the petitioner's narrative remains to be articulated. Moreover, allegations suggest that the petitioner facilitated the commissioning of crime by providing the gun .315 bore pistol by his son, which was used in the crime and thus remains unrecovered. This implies a level of coordination between the petitioner and the co-accused.

**6. Conclusion**

In light of these factors, granting anticipatory bail could potentially disrupt the investigative process. Consequently, the circumstances do not warrant the extension of bail privileges to the petitioner.

Dismissed.

Anything stated hereinabove, shall have no bearing on the merits of the case before the trial court.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**29.05.2025**

*vvishal*

*Whether speaking/reasoned*      *Yes/No*

*Whether reportable*              *Yes/No*