

**IN THE COURT OF Dr. RANJAN KUMAR KHULLAR,
ADDITIONAL SESSIONS JUDGE,
BATHINDA (UID PB0215).**

CIS No: BA/2563/2025

Date of Order: 08.08.2025

Nirpal Singh son of Surjeet Singh, resident of Village Kot Shamir, Tehsil and District Bathinda.

.....Petitioner.

Versus

State of Punjab

FIR No.86 of 11.06.2025

Under Sections- 333,115(2), 351(2), 351(3), 191(3)/190 of BNS, 2023.
And Section-25/27/54/59 Arms Act added later on vide DDR No.28 dated
16.07.2025.

P.S. Nathana, Bathinda.

Bail application u/s 482 BNS.

Present: Sh. Gursewak Singh Sidhu, Advocate for the petitioner.
Sh. Chand Kumar, Addl.PP for the State.
Sh. Gurpreet Singh Sidhu, Advocate for complainant.

ORDER

1. Before disposing of the present bail application, I would like to dispose of the application filed by the applicant, wherein it is stated that offence under Section-25/27/54/59 Arms Act has been added later on vide DDR No.28 dated 16.07.2025 and he wants to insert this Section in the main bail application. On notice, the Ld.APP has raised no objection. Therefore, the present application stands allowed.

2. Now coming to the main bail application. First Pre-arrest bail application of the petitioner under Section 482 BNSS in the above said case FIR, is considered.

3. Summary of the case of the prosecution is that present case was registered on the statement of the complainant Balwinder Singh @ Chindi on the averments that on 09.06.2025 at about 3.00 pm, he and his wife Baljinder Kaur, his brother Palwinder Singh were present at their house when a Scorpio vehicle came in front of their house, in which Gurpreet Singh armed with revolver, Nirmal Singh armed with iron rod, Jagga Singh armed with baseball bat and three unknown persons, came across them. Gurpreet Singh shouted and said that Balwinder Singh should be killed. On his instigation, all the above said persons inflicted grievous injuries on his person with their respective weapons.

4. Case of the petitioner is that he has been falsely implicated in this case. The petitioner has not committed any offence, as alleged. Nothing is to be recovered from the applicant. The petitioner was not present at the spot. There is delay of 2 days in lodging the present FIR. No offence is made out against the petitioner from the version of the FIR itself. His custodial interrogation is not required. The petitioner is ready to join the investigation.

5. On the other hand, Ld Addl. PP for the State assisted by ld.counsel for complainant has strongly argued that no one can take the law in his own hands. IO is present and argued that thorough investigation is to be conducted and custodial interrogation of the applicant is required.

6. I have gone through the circumstances of the FIR. The petitioner along-with others have committed the house trespass. Name of the applicant is specifically mentioned in the statement of the complainant as well as in the FIR. Specific role has been attributed to the petitioner. Custodial interrogation of the petitioner is seemed to be required. Learned APP for the State has relied upon **Parkash Kadam Vs. Ramprasad Vishwanath Gupta, (2011) 6 Scale 236: 2011 Cr.LJ 3585 (Supreme Court)**, where Hon'ble Apex Court has held that *'in considering whether to cancel the bail the court has to consider the gravity and nature of the offences, prima-facie case against the accused , the position and standing of the accused etc. If there are very serious allegations against the accused his bail may be cancelled even if he has not misused the bail granted to him. Moreover the above principle applies when the same court which granted bail is approached for cancelling the bail. It will not apply when the order granting bail is appealed against before an appellate/revisional court'*

7. I have considered the rival submissions made by learned counsel for petitioner as well as learned APP for the State.

8. The offence in question is a serious one. The petitioner is attributed specific role. Investigation is going on. The name of the petitioner has been specifically mentioned in the statement of the complainant as well as in the FIR. There is force in the arguments of ld.APP for the State that the custodial interrogation of the petitioner is required. The offence in question is serious one. Keeping in view the factual facts and circumstances of the case, I am of the considered opinion that there would remain loopholes and lacunas in investigation which would harm the case of the prosecution if pre-

arrest bail is granted. Balancing the rights and liberty of the petitioner and in the interest of investigation, a case for granting pre-arrest bail to the petitioner, is not made out. The pre-arrest bail application of the petitioner is dismissed.

9. Bail application be attached with the remand papers, if any, otherwise be consigned to the Record Room.

Pronounced in the open Court.

Date of Order: 08.08.2025

Rajesh Kumar, Steno.Gr.II

(Dr. Ranjan Kumar Khullar,)

Addl. Sessions Judge,

Bathinda/08.08.2025.

UID No.PB0215