

**IN THE COURT OF SH. SUMEET MALHOTA ,
SESSIONS JUDGE, FEROZEPUR.**

PBFZ010048952025



CNR No. PBFZ0100- 4895 -2025

CIS No. BA- 1896 of 2025

Date of Order: 15.07.2025

Gurparkash Singh @ Captain aged 25 years son of Gurjant Singh son of Maan Singh, resident of village Machhiwara, Tehsil Zira, District Ferozepur.

.....Applicant-Accused.

Versus

State of Punjab.

....Respondent.

Application for bail under section 482 BNSS

FIR No.79 dated 02.07.2025,
U/S 125, 191(3), 190 of BNS & 25, 27 of Arms Act,
Police Station Sadar Zira.

Present: Sh. Ajaypal Dhanju Advocate, counsel for petitioner,
Sh. Amit Goklaney, Addl. Public Prosecutor for State.
Sh. G.S. Gill Advocate, counsel for complainant.

ORDER

Petitioner Gurparkash Singh @ Captain son of Gurjant
Singh has approached this Court for grant of anticipatory bail in a case

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FIR No.79 dated 02.07.2025, Under Sections 125, 191(3), 190 of BNS & 25, 27 of Arms Act, registered at Police Station Sadar Zira.

2. Notice of the bail application was issued to the State and Sh. Amit Goklaney, learned APP appeared on behalf of the State.

3. Filing Branch has reported that as per CIS system, earlier bail application was filed in FIR No. 39 dated 02.07.2025, P.S. Sadar Zira, but the same was dismissed as withdrawn on the ground that wrong FIR i.e. FIR NO. 39 dated 02.07.2025 was mentioned in the bail application instead of FIR No. 79 dated 02.07.2025. Therefore, the present bail application is the first bail application filed in FIR No. 79 dated 02.07.2025, though earlier bail application in this case was disposed of being withdrawn by considering the same to be filed in FIR No. 39 dated 02.07.2025 and official website of Hon'ble High Court, except the present bail application, no such bail application is pending or decided in the present FIR in any subordinate court as well as Hon'ble High Court.

4. As per the contents of the FIR, the present case was lodged on the statement of the Davinder Singh son of Bakhshish Singh recorded on 02.07.2025 that on 01.07.2025, he alongwith Gurmit

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Singh Sarpanch were going from their Village to Noorpur on their car Make Swift bearing registration No. PB-05-AF-1386, to meet Hardeep Singh, son of his brother-in-law. On reaching Noorpur, they called Hardeep Singh on mobile phone, who asked them to come to the fields, upon which, they proceeded towards the fields of Hardeep Singh. On the way, when they stopped for urinating, they heard a noise of a shot fired and his brother-in-law Gurjant Singh raised a lalkara to teach them a lesson for coming to their Village. Gurparkash Singh @ Captain fired a shot from his 315 bore gun towards them with an intention to kill them and both of them saved their life by hiding behind a tree. Thereafter, Rajandeep Singh fired a shot from his pistol towards them and then Gurjit Singh son of Maan Singh, Husandeep Singh and Harnek Singh also started firing with their respective pistols. They both saved their life by running away on their car towards Noorpur. Motive of the occurrence is that about 4 months back, Gurparkash Singh had stolen his 315 bore gun from the house of complainant and in this regard, complainant got registered a case against him at PS Mallanwala and due to that grudge, the assailants have fired upon them.

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5. Learned counsel for petitioner states that the petitioner is innocent and has been falsely implicated in this case. He argued that the petitioner is ready to join the investigation and to cooperate with the Investigating Agency. However, he apprehends his arrest as the offence is non-bailable.

6. Per contra, learned Additional Public Prosecutor, on the instructions from ASI Anwar Masih and Sh. G.S. Gill Advocate, counsel for the complainant, has vehemently opposed the bail application on the ground of seriousness of the offence as well as requirement of custodial interrogation, so as to recover the weapon allegedly used by the petitioner in the commission of the offence. Learned counsel has relied upon the video clips recovered during the investigation by the investigator, allegedly videographed by Gurmeet Singh on his mobile phone at the time of incident. During the pendency of the bail application, the State was directed to place on record the description in the video clips in the form of a document to assist this court, which document was filed in the bail application on 14.07.2025.

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7. Learned Additional Public Prosecutor for the State relied upon three video clips to argue that the incident is captured on the mobile phone by Gurmeet Singh, another eye witness and victim and in the video clipping there are two persons visible from a distance, who are said to be petitioner alongwith one other. He argued that there is clear cut voice being recorded, where one shot is clearly heard and in another video clip, 4/5 people are visible standing at some distance, who are said to be co-accused Gurjant Singh and Raja (who is stated to be co-accused Rajandeep Singh). Learned Additional Public Prosecutor was specifically asked a question, as to how many shots are heard in the videograp, he acknowledged that only one shot has been heard. He further stated at bar that rest of the people are not visible with any clear weapon and only one person appears to be carrying a long weapon, which can correspond to 315 bore gun. Although, he argued that investigation is still going on and the investigator is still holding further investigation in furtherance of the said videographs and other material. He opposed the bail application on the ground of seriousness as well.

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8. The arguments are supplemented by learned counsel for the complainant arguing that there is yet another FIR launched against the petitioner for having committed theft of same 315 bore gun from the house of complainant on a previous occasion, which weapon is now being used to commit the crime in the present FIR. He argued that this adds to the seriousness of the offence.

9. I have considered the rival contentions of all the learned counsels and have also gone through the record of this case. The present FIR is recorded on the statement of Davinder Singh recorded on 02.07.2025. The occurrence is stated to have taken place on 01.07.2025 and as per the allegations, the petitioner is stated to be armed with 315 bore gun and has fired shot with the same, aiming towards the complainant and Gurmeet Singh, with intention to kill. The other co-accused are also stated to be armed with pistols and are stated to have used the pistols by firing with the said weapons. As per the stand taken by Public Prosecutor on the instructions from investigator before me, the incident has been captured in the video clips and as per the argument addressed by Additional Public Prosecutor, only one shot, which is attributed to the petitioner, is clearly heard in the said

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videograph. The evidentiary value of the said videograph is challenged by learned counsel for the petitioner. However, this is not the stage to comment anything on admissibility of such evidence, as the matter is still under investigation. Keeping in view the seriousness of the offence as well as the categorical stand taken by State with regard to the contents of the videographs and qua the petitioner, the request for custodial interrogation made by investigator qua the petitioner, to my mind is meritorious. The investigator cannot be deprived of to use the tool of investigation to unearth the crime committed. Thus no ground is made out to extend the grant of anticipatory bail to the petitioner. Accordingly, present anticipatory bail application is hereby dismissed. File be consigned to the record room.

Pronounced:

Dated: 15.07.2025

Pritpal Singh
Stenographer Gr. II

Sd/-

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(UID No.PB0060)

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