



**103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-27294-2026
Date of decision: 14.05.2026**

Gurpreet Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vipin Mahajan, Senior Advocate with
Ms. Chandanpreet Kaur Ahluwalia, Advocate
for the petitioner.

Mr. Ekompal Sagoo, AAG, Punjab.

RAJESH BHARDWAJ, J.

1. Petitioner has approached this Court praying for the grant of anticipatory bail to the petitioner in case FIR No.62 dated 07.08.2025, under Sections 109, 351(2), 191(3), 190 of BNS and Sections 25, 27 of the Arms Act, registered at Police Station Jhander, District Amritsar, Punjab.

2. Succinctly facts of the case are that the FIR in the present case has been lodged on the statement of Kamaljit Singh. It was alleged that on 07.08.2025 at about 03:45 PM, his nephew Jasdeep Singh, his brother Gurpal Singh and Jasdeep Singh's wife namely, Jatinder Kaur were present at the house of Jasdeep Singh. At that time, they heard the sound of abusive language coming from outside in the street. Upon this, the complainant, Jasdeep Singh and Gurpal Singh came outside the house and saw that in the street, Gurpreet Singh (present petitioner) was armed with a rifle, his son Sukhmanpreet Singh was armed with a revolver and about 10-15 unknown persons carrying datars and kirpans were abusing his nephew Jasdeep Singh. When the complainant tried to pacify and



explain the matter to them, Gurpreet Singh raised a lalkara and he shouted to his son, Sukhman, shoot Jasdeep Singh. On hearing this, he started firing directly towards them. Consequently, Jasdeep Singh and Gurpal Singh ran inside the house to save themselves. The complainant also ran inside behind them and while he was about to close the gate of the house, a bullet fired from the side of Gurpreet Singh struck him on the left side of his chest near the shoulder and two pellets also hit his abdomen and one pellet hit his left arm. Thereafter, while extending threats to kill the complainant party, all the accused persons fled away from the spot along with their respective weapons in their vehicles. Subsequently, Jasdeep Singh and Gurpal Singh arranged a vehicle and admitted the complainant for treatment at Guru Nanak Dev Hospital, Amritsar. Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. Apprehending arrest, petitioner approached the Court of learned Additional Sessions Judge, Amritsar praying for grant of anticipatory bail. However, after hearing counsel for both the sides, the same was declined vide order dated 16.10.2025. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned Senior counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has contended that during the alleged occurrence, the petitioner himself sustained firearm injuries. He has further argued that the complainant party not only opened fire from their respective weapons but also hurled brickbats towards the side of the petitioner. He has submitted that despite the petitioner having suffered firearm injuries, no cross-case was registered by the police and the mother of the petitioner was constrained



to file a criminal complaint before the Court of Illaqa Magistrate. He has submitted that while the complainant is leading a normal life, the petitioner remained hospitalized for three days, underwent surgery and a bullet was extracted from his right thigh. He thus, submits that in the facts and circumstances of the case, no *prima facie* case as alleged is made out and hence, petitioner deserves to be granted anticipatory bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner in connivance with the co-accused had opened attack on the complainant party and caused severe injuries to them. He has submitted that the offence is serious in nature as an attempt to murder has been made and because of the acts of the accused party, a person could have lost his life. He has also submitted that the complainant sustained firearm injuries and pellets hit shoulder, abdomen and arm of the complainant. He has argued that grant of anticipatory bail to the petitioner may encourage other to take law into their own hands and commit similar offences. He has submitted that the investigation is at a nascent stage and the recovery of country-made pistol allegedly used in the occurrence is yet to be effected. He has thus, submitted that no case for the grant of anticipatory bail is made out.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner along with co-accused had allegedly caused severe injuries to the complainant party. Though learned Senior counsel for the petitioner has argued that the petitioner himself suffered firearm injuries and that no cross-version was registered by the police, however, the allegations against the petitioner are serious in nature. As



submitted by the State, the petitioner was armed with rifle, and he along with co-accused allegedly opened attack upon the complainant party and caused serious firearm injuries to them. The investigation is still at the initial stage and recovery of the country-made pistol allegedly used in the occurrence is yet to be effected.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 which reads as under:-

“Direction for grant of bail to person apprehending arrest:-

Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

When the High Court or the Court of Sessions makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under*



sub-section (3) of Section 480, as if the bail were granted under that Section.

7. As per law settled by the Hon'ble Supreme Court, in **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would also prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the



applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.

8. The Hon'ble Supreme Court in **State Vs. Anil Sharma, (1997) 7SCC 187**, held as under:-

6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere



ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.

9. There is no dispute that the provisions of anticipatory bail has been incorporated by the Legislature in order to protect the life and liberty of the people. However, weighing the facts and circumstances of the present case on the anvil of law settled, this Court is of the opinion that the custodial interrogation of the petitioner is very much essential to bring the truth on record and as such, petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

14.05.2026
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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