CNR No: PHHC011163322026
2026:PHHC:129096

(203)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-39010-2026
Date of decision :11.09.2026

GURBIR SINGH @ GORA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. L.M. Gulati, Advocate with
Ms. Diyva Gulati, Advocate
for the petitioner.

Mr. Kuljinder Singh, Asstt. A.G., Punjab.

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JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.0050 dated 30.03.2026 registered under Section 109 of BNS, 2023 (Section 307 IPC) and Sections 25, 27, 54, 59 of Arms Act, 1959 at Police Station Khilchain, District Amritsar.

2. The present FIR came to be registered at the instance of Manpreet Singh alias Mannu S/o Manjit Singh and the same reads as under:-

> *"Statement of Manpreet Singh alias Mannu son of Manjit Singh, resident of Kaleke, age about 24 years, Mobile No. 9915681984. Stated that I am a resident of the above-mentioned address and works as an agriculturist. Every year a fair (Mela) is organized in our village Kaleke. Where on dated 28, 29/3/2026, like every year, the fair was held.*

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Where Gurbir Singh alias Gora and his associates, residents of Jaspal, organize community kitchen (Langar) under the guidance of Sant Baba Gurdial Singh. On dated 29/3/2026, time was around 9:00 PM at night, when I and my friend Jaspreet Singh, resident of Sidhwan, were returning after delivering Jalebis at home from the fair, and when we reached near Rodi Sahib Langar Hall, then in the darkness on one side, Gurbir Singh alias Gora son of Bachittar Singh, resident of Jaspal, was standing along with 5-6 unknown persons. On seeing me, he started abusing me and my friend. Upon opposition by me, Gurbir Singh alias Gora took out a pistol from his dub and, with the intention to kill, fired directly at me, which hit my left thigh and I fell on the ground. While I was lying down, the unknown persons abused me and kicked and punched me. To rescue me from them, when my friend Jaspreet Singh mentioned above stepped forward, then the said Gurbir Singh, with his pistol, fired shots at my friend in front of me, which hit his waist. We both became blood-soaked and fell on the ground. When we raised hues and cries of ("maar ditta maar ditta"), seeing the crowd in the fair gathering at the spot, the said Gurbir Singh alias Gora, along with his associates, while firing in the air with their weapons, fled away from the spot. The cause of enmity is that about 03 years ago, while playing cricket, a dispute had taken place between us. Since that day, the said Gurbir Singh harbored enmity against me and used to give me life threats. On hearing the noise of the crowd gathered at the spot, my family members arrived at the spot. My father Manjit Singh, by arranging a vehicle, got me and the said Jaspreet Singh admitted to Civil Hospital Baba Bakala Sahib. Due to the critical condition of both of us, both of us were referred to Guru Nanak Hospital,

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Amritsar. From Guru Nanak Hospital, Amritsar, the Doctor Sahib, after treating us, sent us back to Civil Hospital, Baba Bakala Sahib. The family members of the said Jaspreet Singh took him to a private hospital, and my father Manjit Singh brought me back to Civil Hospital, Baba Bakala Sahib, where I am undergoing treatment. The statement has been dictated to you, heard, and it is correct. Sd/- Manpreet Singh Verified by Manjit Singh) Attested Sd/- Hardial Singh SI, Police Station Khalchian, Dated 30-03-26."

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The actual facts are that complainant/Manpreet alias Mannu and Jaspreet Singh are notorious elements of the area who actively disrupted the peaceful environment of a religious carnival. The complainant party picked up a fight with the petitioner who was serving *langar*. The complainant party fired upon the left thigh of the petitioner who fired a precautionary shot in the air using his licensed revolver. To set up a cross version, the complainant party have self-inflicted injuries upon their person. As the petitioner is ready and willing to join investigation, he is entitled to the concession of anticipatory bail.

4. A short reply dated 31.07.2026 by way of an affidavit of Sukhpal Singh, PPS, Deputy Superintendent of Police, Sub-Division Baba Bakala Sahib, Amritsar (Rural) has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the said reply, he contends that contends that the petitioner fired at Manpreet Singh alias Mannu, complainant and

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Jaspreet Singh. As per the MLR of the injured, they have received firearm injuries. The injuries purportedly received by the petitioner do not appear to be firearm injuries. The nature of the allegations levelled against the petitioner do not entitle him to the concession as prayed for. Further, the investigation is to be taken to its logical conclusion and the recovery of a pistol is to be effected from the petitioner for which his custodial interrogation is certainly necessary. Therefore, the petitioner is not entitled to the grant of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.*** ***2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

> "*It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.*
>
> *Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.*

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We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. ***In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.***

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7. As per the case of the prosecution, the petitioner has fired from his pistol at both the injured persons who have suffered firearm injuries. The recovery of the weapon is to be effected from him and the investigation is to be taken to its logical conclusion. Therefore, the custodial interrogation of the petitioner is certainly necessary.

8. In view of the above, I find no merit in the present petition and the same stands dismissed.

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

11.09.2026
JITESH **Whether speaking/reasoned:- Yes/No**
Whether reportable:- Yes/No

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