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

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Kamaljit Singh

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 04.05.2026**Date of Uploading : 04.05.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Harshdeep Singh Sethi, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.38 dated 27.04.2025, registered for the offences punishable under Sections 115(2), 118(1), 351(3), 118(2), 109 of BNS, 2023 at Police Station Nakodar, District Jalandhar.

2. The gravamen of the FIR in question reflects that the FIR has been registered on the statement of complainant namely Bhupinder Singh, who alleged that on 26.04.2025 at about 3:30 PM, while he along with Sarpanch Rupinder Singh was present near Nakodar Bus Stand, the Kamaljit Singh (petitioner herein) arrived at the spot in a black Scorpio vehicle armed with a sickle-shaped sharp-edged weapon. It has been further alleged that the petitioner, without provocation, had launched an attack upon the complainant and inflicted multiple blows aimed at the vital parts of his

body. The complainant, in an attempt to save himself, sustained injuries on

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his hands and fingers. It has been further alleged that the petitioner continued the assault and caused injuries on the arm and head of the complainant and also inflicted injuries upon Sarpanch Rupinder Singh when he tried to intervene. On account of the multiple injuries sustained by both the victims (i.e. the complainant and Sarpanch), they were admitted to hospital. The medical record reflects multiple injuries, including at least one grievous injury attributed to a sharp-edged weapon. While fleeing from the scene of occurrence, the accused-petitioner had extended threats to the complainant. On these set of allegations, the FIR in question came to be registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated in the instant case and the allegations levelled in the FIR are wholly concocted and motivated by prior enmity between the parties. Learned counsel has further iterated that the complainant nurses a grudge against the petitioner and the present FIR has been lodged as a counterblast to FIR No.61 dated 26.04.2025, which has been registered at the instance of the petitioner against the complainant side regarding an earlier occurrence. It has been further contended that the present case arises out of a version and cross-version and, therefore, the question as to who was the aggressor can only be determined during the course of trial. According to learned counsel, the complainant has deliberately suppressed the true and material facts and has falsely implicated the petitioner as the sole aggressor. It has been further submitted that no specific role has been attributed to the petitioner and the allegations are vague and unsubstantiated. It has been further argued that there is no



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independent or corroborative material to connect the petitioner with the alleged offence. Learned counsel has emphasized that the petitioner has himself sustained injuries in the earlier occurrence which falsifies the prosecution version and false implication of the petitioner in the present case. It has been further submitted that no recovery is to be effected from the petitioner and, therefore, the custodial interrogation is not required in the facts and circumstances of the case. Furthermore, the petitioner has clean antecedents; has deep roots in society and there is no likelihood of the petitioner fleeing from justice or tampering with the prosecution evidence. Moreover, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the strength of these submissions, a prayer has been made for grant of anticipatory bail to the petitioner.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the petitioner has been specifically named in the FIR with clear and direct allegations of having assaulted the complainant and another injured with a sharp-edged weapon. Learned State counsel has iterated that the nature and manner of the occurrence clearly reflects that the petitioner was the main aggressor, who came armed with a deadly weapon and inflicted repeated blows on vital parts of the body of the complainant with an intention to cause serious injury. Furthermore, the medical evidence on record corroborates the ocular version and reflects multiple injuries, one of which has been declared grievous in nature. It has been further submitted that the CCTV footage of the place of occurrence, *prima facie* supports the prosecution version and



connects the petitioner with the commission of the offence. Learned State counsel has emphasized that the weapon of offence is yet to be recovered and, therefore, the custodial interrogation of the petitioner is necessary for effective investigation and for unearthing the complete chain of events. It has been further contended that in case the petitioner is granted the concession of anticipatory bail, it may adversely affect the investigation, as there is every likelihood of the petitioner influencing witnesses or tampering with evidence. Considering the gravity of the offence and the manner in which it was committed, the dismissal of the petition in hand is prayed for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It would be apposite to refer herein to a judgment passed by the Hon’ble Supreme Court in the case titled as ***Sumitha Pradeep vs. Arun Kumar C.K. and another, 2022(4) RCR (Criminal) 977***, relevant whereof reads as under:

“12. In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest, as the Investigating Officer deserves freehand to take the investigation to its logical conclusion. It goes without saying that appearance before the Investigating Officer who, has been prevented from subjecting Respondent No.1 to custodial interrogation, can hardly be fruitful to find out the prima facie substance in the allegations, which are of extreme serious in nature.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

“15. 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.

16. 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 anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations in the present case disclose a grave and heinous offence wherein the petitioner is alleged to have launched an attack upon the complainant and inflicted multiple blows aimed at the vital parts of his body. As per the FIR, the petitioner, armed with sickle-shaped sharp-edged weapon, waylaid the complainant and subjected him to assault. The petitioner has been attributed a direct and active role in the commission of the offence. The allegations are not general or omnibus in nature but disclose a specific act of assault with a deadly weapon. The medical evidence *prima facie* supports the prosecution



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sharp-edged weapon. The plea with regard to the existence of a version and cross-version is a matter that may be examined during the course of trial, however, the same cannot be made a sole ground for grant of anticipatory bail when there are specific and grave allegations. The medical evidence on record corroborates and *prima facie* establishes that the complainant has suffered grievous injury and lends support to the prosecution version. The nature of injuries cannot be termed as simple or self inflicted. The manner in which the alleged assault was carried out using deadly weapon demonstrates the violent and aggressive conduct of the petitioner. No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

8. Furthermore, the plea of false implication on account of a cross-case is a disputed question of fact which cannot be adjudicated upon while considering a petition for grant of anticipatory bail. It is well settled that while exercising jurisdiction under Section 482 BNS, the Court must consider the nature and gravity of the accusation, the role attributed to the accused, the likelihood of fleeing from justice and the possibility of tampering with evidence of influencing witnesses. The scope of consideration of evidence/material at the stage of anticipatory bail is limited and the Court cannot go into the detailed appreciation of evidence or determine its admissibility, which is a matter to be decided during the course of trial. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The plea of false implication on account of previous enmity is vague and unsubstantiated. No



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material has been placed on record to show existence of any such enmity or motive for false implication. Bald assertions without supporting evidence cannot be made the basis for grant of anticipatory bail. The material which has come on record, including the medical evidence and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable 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. Considering the nature and gravity of the allegations, the role attributed to the petitioner, the medical evidence and the requirement of the custodial interrogation for effective investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

10. In view of the prevenient ratiocination, it is ordained thus:



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- (i) The instant petition is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 04, 2026
Ajay

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