

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28501-2026 (O&M)

HARBINDER SINGH AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB

...Respondent

1	The date when the judgment is reserved	27.05.2026
2	The date when the judgment is pronounced	29.05.2026
3	The date when the judgment is uploaded on the website	29.05.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment and reasons thereof.	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. APS Deol, Senior Advocate with
Ms. Sagarika, Advocate for the petitioners

Ms. Sakshi Bakshi, AAG, Punjab

Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate,
Mr. Jeevanjot S. Kang, Advocate for the complainant

MANISHA BATRA, J.

1. The instant petition has been filed jointly by the petitioners under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for grant of anticipatory bail in case arising out of FIR No.124 dated 29.04.2026 registered under Sections 109, 115(2), 191(3), 190 of Bharatiya Nyaya Sanhita, 2023 (for short “BNS”) at Police Station Sadar, Faridkot.

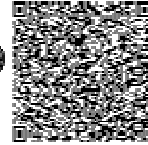
2026:PHHC:084889



2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Darshan Singh, alleging therein that on 25.04.2026 he was working in his field alongwith his son Surinder Singh. In the adjoining field, his brother Ranjit Singh was working. Suddenly, the petitioners accompanied by co-accused reached there being armed with weapons on a tractor and intercepted them. The petitioner No.1 was holding *dang* in his hand, whereas petitioner No.2 was carrying a pistol with him. They made an exhortation and then pushed Ranjit Singh, brother of the complainant aside and asked co-accused Gurmeet Singh to drive a tractor and to teach the complainant a lesson. Gurmeet Singh started the tractor and with intent to kill, drove it with a crowbar. After hitting by the crowbar, complainant's brother got stuck in between the tractor and crowbar. Thereafter, accused Gurmeet Singh tried to run him over with the tractor. His knee was badly injured and he had fallen on the ground. The petitioners again made an exhortation that the complainant should not be left alive and on their asking accused Gurtej Singh hit the complainant with a *gandasa*, whereas accused Gurmeet Singh again tried to crush him under the tractor. On clamour being raised, the family members of the complainant and other persons reached there and then the assailants fled away. His brother was also injured in the incident.

3. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners moved applications for grant of anticipatory bail which were dismissed by a common

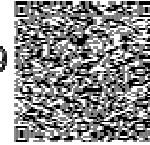
2026:PHHC:084889



order dated 11.05.2026 passed by the Court of Learned Sessions Judge, Faridkot.

4. It is argued by learned Senior counsel for the petitioners that they have been falsely implicated in this case. It is a case of version and cross-version. The dispute was between the co-accused Gurmeet Singh and the complainant party and the petitioners had nothing to do with the same. Even the name of the petitioner No.1 had not been correctly mentioned in the FIR. No specific overt act has been attributed to them. The accused Gurmeet Singh had also sustained injuries in the same incident and on his statement cross DDR Nos. 39 and 40 have been registered on 29.04.2026. It was the complainant who had blocked the passage of the land of Gurmeet Singh by putting big stones on his way. On a complaint made by Gurmeet Singh, the petitioners being former Sarpanches and other respectable members of the village had gone to the fields of Gurmeet Singh for amicably resolving the matter. It was the complainant who had initiated the assault. The injuries sustained by the complainant are on non-vital part of the body and do not fall within the ambit of Section 118(2) of BNS, as they are simple in nature. Rather the injuries sustained by the co-accused Gurmeet Singh are serious in nature. The allegations against the petitioners are of making exhortations only. The petitioner No.1 is a 69 years old person. The injury attributed to the petitioner No.1 on the person of Ranjit Singh, injured has been opined to be simple in nature. The petitioners are ready to join investigation. Therefore, custodial interrogation is not required. No

2026:PHHC:084889



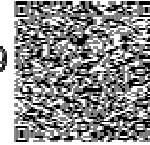
recovery is to be effected from them. It is, therefore, argued that the petition deserves to be allowed.

5. Per contra, learned State counsel with learned Senior counsel for the complainant has vehemently argued that the allegations against the petitioners are quite serious in nature. By forming membership of an unlawful assembly with the co-accused they had voluntarily caused simple as well as grievous injuries on the person of the victim. The injury No.1 Darshan Singh had sustained fractures on right distal end femur. His left ankle was dislocated and has been reduced. He has undergone debridement and is still under treatment. The custodial interrogation of the petitioners is must. There is no exceptional or extra-ordinary circumstance to extend benefit of anticipatory bail to them. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioners by forming membership of an unlawful assembly with the co-accused are alleged to have voluntarily caused simple as well as grievous injuries to the complainant Darshan Singh and his brother Ranjit Singh. The photographs of the victim Darshan Singh are shown to this Court which reveal that his left ankle had almost amputated and he had suffered fractures. The allegations against the petitioners are serious in nature. They are the precipitators of the crime as firstly they made exhortations to open assault upon the victims and then themselves participated in the same. The victims have

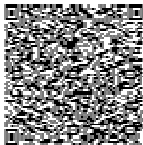
2026:PHHC:084889



suffered injuries which appear to be quite serious in nature. It is well settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstances of each case and there cannot be any exhaustive parameter set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail, conviction and nature of evidence in support of the accusations are to be seen. That apart reasonable apprehension of tampering with evidence or threatening the material witnesses is also to be weighed. Frivolity of prosecution should also be considered and it is only the element of genuineness that has to be considered in the matter of grant of bail. It is also well settled proposition of law that powers for grant of pre-arrest bail are to be exercised in exceptional and sparing circumstances not in a routine manner. No exceptional circumstance appears to have been made out in this case. The case is at its nascent stage. In case custodial interrogation of the petitioner is denied to the Investigating Agency, that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation. For conducting effective investigation so as to avoid any loopholes in the same, the custodial interrogation of the petitioner is must.

8. Taking into consideration the above discussed facts but without meaning to make any comment on the merit of the case, this Court is of the considered opinion that the petition does deserve to be allowed. Accordingly the same is dismissed.

2026:PHHC:084889



9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

29.05.2026
Amit Sharma

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