



CRM-M-5921-2025

220

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-5921-2025

Decided on : 24.03.2025

Tejpal Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Ghulam Nabi Malik, Advocate
for the petitioners

Mr. R.S. Thind, DAG Punjab

Mr. A.S. Kalra, Advocate
for respondent No. 2

KIRTI SINGH, J. (Oral)

1. This is the first petition filed under Section 482 of BNSS for grant of anticipatory bail to the petitioners in case FIR No.128 (Annexure P-1), dated 16.12.2024, under Sections 296, 75, 191 (3), 190, 351 (1), 351 (3) of BNS 2023 (Sections 117 (2), 115 (1), 238 of BNS added later on), registered at Police Station Hathur, District Ludhiana.

2. Learned counsel for the petitioners *inter alia* submits that the petitioners have been falsely implicated in the instant case. He submits that it is a case of version and cross-version, and that the complainant along with other accused persons caused injuries to the petitioners and vide General Diary entry No. 18 dated 13.01.2025 under Sections 115(1), 117(2),3(5) of BNS Police Station Hathur a cross case was registered against respondent No. 2 and other co-accused.

**CRM-M-5921-2025****2**

It is further submitted that though it was alleged in the FIR that the petitioners were armed with sharp edged weapons but the injuries suffered by the complainant are of blunt nature, thereby falsifying the allegations so levelled.

3. *Per contra*, learned State counsel submits that serious allegations have been levelled against the petitioners in the instant case. He submits that in the fight that broke out between the parties, one Mohinder Singh suffered an injury caused by blunt weapon and was kept under observation. It is further submitted that primary medical examination of respondent No. 2 was conducted and four injuries were dented on his person, out of which one injury was declared as being grievous in nature. It was also clarified vide report issued vide no. DMCH/MRO/25/333 dated 20.01.2025 that during further medical evaluation of respondent No. 2 a close fracture of Nasal bone and closed fracture of proximal shaft ulna of right side were also found. It has further been contended that the petitioners were members of the unlawful assembly and armed with gandasas, kirpans and iron pipes, caused injuries to respondent No. 2, one of which was even declared as grievous and also caused injury to one Mohinder Singh. It has also been stated that the petitioners did not cooperate during investigation, nor did they get recovered the weapons of offence.

4. Heard the rival submissions made by learned counsel for the parties and perused the record.

5. Before proceeding it would be apposite to refer to the allegations levelled in the FIR, which is reproduced as under:-

“Statement of Ranjit Singh S/o Lakhvir Singh S/o Inder Singh R/o Ghudu Patti Village Nathowal Police Station Hathur aged about 48 years Mobile No. 98725-09192 stated that I am resident of above said address and working as farmer. Passage to our home is from main



road and a gate is fixed on main road. Besides this the home of my uncle (Taya) Niranjan Singh is situated on main road and my uncle is returned from Canada and he is residing alone in the home. On 11.12.2024 taking my meals I after went to main road to close the door of street and I checked the gate of my uncles Niranjan Singh's home then around 8-1/2 PM a swift car of white colour was parked on the street turn. And I asked the passengers of the car that why they are staying here and in the meantime Tejpal Singh S/o Jaswinder Singh @ Nikka armed with Gandasa, Rapinder Singh S/o Lakhvir Singh armed with iron Pipe on the top of which a grari was fixed, Satnam Singh S/o Gurcharan Singh Gahor wale armed with Kirpan (Sword), Dilpreet Singh S/o Randhir Singh armed with iron Pipe residents of Nathowal came out of car and Rapinder Singh raised a lalkara that lets teach a lesson of asking to him and during this Tejpal Singh with the intention to kill attacked on my head with his Gandasa and I turned backside and it hitted my nose, Tejpal Singh made another attack on me with his Gandasa that hitted on left side of my head. Then Satnam Singh attacked on me with his Kirpan which hitted on Pinky finger of my right hand. Then Dilpreet Singh made two attacks on me with his iron pipe which hitted my left arm and fingers of left arm. Then Rapinder Singh made two attacks on me with his Pipe Grari which hitted my left and right shoulders. During Tejpal Singh's father Jaswinder Singh @ Nikka along with 2/3 unknown persons arrived on the spot and they fell me down and caused internal injuries on my back and head. Upon hearing my cries my brother Mahinder Singh and my wife Bhupinder Kaur arrived on the spot and public gathered there and they got me free from above said persons. They making obscene gestures to my wife, while abusing and threatening they fled from the spot along with their weapons and Tejpal fled from the spot in his car. Due to my serious condition my brother Mahinder Singh and my wife Bhupinder Kaur brought me to Simrat Hospital Raikot for treatment. After giving first aid Doctors referred me to DMC Hospital Ludhiana. And my family members brought me by ambulance to DMC Hospital Ludhiana



for treatment. Where I am undergoing treatment. The motive behind the incidence is that Tejpal Singh wanted to buy the land from my uncle (Taya) Niranjana Singh and we refused to sell. And we are constructing the park in the land and I take care of the same. Due to this resentment they caused injuries to me with the intention to kill me.. Legal action may be taken against them.”

6. The legal position with regard to grant of bails was expatiated by the Hon'ble Supreme Court in ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, the relevant portions of which reads as under :

*“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para No. 24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to*



tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”

7. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

8. Reverting to the case in hand, *prima facie*, there are serious allegations levelled against the petitioners. The petitioners were named in the FIR and specific roles have been attributed to each one of them. Further, on a pointed query made by this Court, learned State counsel has submitted that the petitioners did not cooperate during investigation and that weapons of offence are yet to be recovered.

9. As an upshot of the above discussion, this Court does not deem it appropriate to exercise its jurisdiction to grant the discretionary relief to the petitioners, which though is intended to protect individuals from unwarranted detention, but at the same time is not a blanket entitlement which can be given as a general rule, especially in cases involving serious or specific allegations, in which case the Court must not interfere in the investigation, which might warrant custodial interrogation of the accused.



CRM-M-5921-2025

- 10. Accordingly, the petition is dismissed.
- 11. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
- 12. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

March 24, 2025

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