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

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CRM-M-6714-2025 (O&M)

Date of decision: 05.02.2025

Gurpinder Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Suresh Singla, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS'), the petitioner seeks anticipatory bail in case bearing FIR No. 375, dated 22.12.2024, registered under Sections 115(2), 118(1), 126(2), 324(4) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (*for short* 'BNS') (Sections 117(2) of BNS added later on) at Police Station Sadar Mansa, District Mansa.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on 22.12.2024 on the statement made by complainant Karmtej Singh alleging therein that on 21.12.2024 at around 10/10.30 A.M, he along with his brother Hardeep Singh and father Bhola Singh were going to the fields on their tractor. When they reached in front of the house of the petitioner, then petitioner and his brother Jaswinder Singh armed with *gandas* and their mother Gurmeet Kaur suddenly came out of their house and Gurmeet Kaur raised *lalkara*, on which,

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the petitioner gave a *gandasa* blow on the head of the complainant. Co-accused Jaswinder Singh gave a *gandasa* blow on the thumb of left hand of the brother of the complainant. The petitioner gave another blow of *gandasa* on the middle of his right hand. Jaswinder Singh gave *gandasa* blow near the ear of his father. Then the petitioner gave two *gandasa* blows on the left arm and back of his father. When they raised rescue alarm, then all the accused persons fled away from the spot. The complainant/injured were taken to hospital. The reason behind the occurrence was that there was a dispute with regard to a *pakka khal* (cemented water channel). However, the same was resolved in panchayati compromise. The complainant prayed for taking action in the matter. After registration of the FIR, investigation proceedings have been initiated and the same are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Mansa but the same had been dismissed, vide order dated 18.01.2025.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. The alleged offences are triable by the Magistrate and are bailable except offence under Section 118(2) of BNS and this will be a question of debate as to whether the same has been made out or not. No recovery is to be effected from the petitioner. He is ready to join the investigation. No useful purpose would be served by detaining him into custody. Therefore, it is urged that the present petition deserves to be allowed.

4. Notice of motion.

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5. Learned Senior Deputy Advocate General, Punjab has advance notice of the petition and is ready to argue the matter. She has submitted that there serious and specific allegations against the petitioner. He along with other co-accused has caused simple as well as grievous injuries to the victims. His custodial interrogation is required for thorough investigation in the matter. Hence, it is argued that the petition is liable to be dismissed.

6. I have heard learned counsel for the parties at considerable and have also gone through the record carefully.

7. As per the allegations, the petitioner along with co-accused has opened an assault upon the complainant, his brother and father on 22.12.2024 when they were going on their tractor. The petitioner has inflicted simple as well as grievous injuries on the persons of the victims. There are serious and specific allegations against him. His custodial interrogation is required for proper investigation in the matter. Even otherwise, no exceptional or extraordinary case has been made out to grant him the concession of anticipatory bail. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial

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interrogation. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out rather his custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

05.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No