



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215 CRM-M-7738-2025
Date of decision: 10th March, 2025

Nirmal Singh and another ...Petitioners
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Karanjit Singh, Advocate for the petitioners.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.
Mr. Vipin Mahajan, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
01	24.01.2025	Ghuman Kalan	333, 118(1), 118(2), 115(2), 351(3), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’)

2. As per the prosecution case, on 20.01.2025, the complainant Baljeet Kaur was present in the first floor of her house along with her husband, mother and one relative Gurpal Kaur when at about 4:15 PM, petitioner No.1, who is her father-in-law, petitioner No.2, who is her brother-in-law came outside her house along with some unknown persons



one of whom was in an attire of Nihangs. Petitioners were armed with weapons. Amanpreet Kaur, sister-in-law of the complainant, who was present in the roof of their house threw *datar* and baseball bats and gave the same to those unidentified persons. The petitioners made an exhortation thereby instigating the other unidentified persons to catch hold of the complainant and her family members and teach them a lesson. Then those unknown persons entered inside her house on first floor with their respective weapons, they opened an assault upon the complainant and her husband and extended threats to kill her. The petitioner Nirmal Singh broke open the lock of the hall and store on the ground floor and took away tractor, car and motorcycle parked therein, despite the fact that her husband had procured the stay order qua these vehicles from the Civil Court. While the assailants were assaulting the victim, the petitioners remained present in the street and kept a vigil. She was taken to hospital. The motive attributed to the petitioners was dispute regarding partition of the house, wherein the complainant had been staying. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Gurdaspur, vide order dated 04.02.2025.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. No injury whatsoever has been attributed to them. There is delay of four days in reporting the matter to the police. The dispute between the parties is of civil nature. They are ready to join the investigation. Their custodial interrogation is not required. No



recovery is to be effected from them. As such, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned Deputy Advocate General, Punjab assisted by learned counsel for the complainant has argued that the allegations against the petitioners are serious in nature. Infact, after conniving with each other, they had formed an unlawful assembly alongwith some persons unknown to the complainant and her family members had criminally trespassed into her house and had caused simple as well as grievous injuries to her and also criminally intimidated her. She had sustained as many as seven injuries, one of which has been opined to be grievous. The petitioner No.1 is 73 years old and not 83 years old as claimed by him in the petition. For the purpose of identifying the unknown assailants including the main assailant who was in Nihang attire, thorough investigation is required to be conducted and for that purpose, custodial interrogation of the petitioner is required. It is also argued that no extraordinary or exceptional circumstance has been made out in this case. Accordingly, it is urged that the petition does not deserve to be allowed.

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

6. The petitioners along with some unknown persons are alleged to have formed unlawful assembly. As per the allegations, at their instigation, some unknown assailants criminally trespassed into the house of the complainant and caused simple as well as grievous injuries to her. The petitioners are alleged to have kept a vigil outside the house of the complainant at the relevant time. In view of the nature of the allegations, in



my considered opinion, the custodial interrogation of the petitioners is certainly required since they are the only persons who would disclose the identity of the other persons who were actually involved in the occurrence and had assaulted the complainant. The allegations against the petitioner are serious in nature. For conducting thorough investigation in the matter and for eliciting the truth about the manner, in which the subject offences had been committed by them, their custodial interrogation is required. It is also well settled that the Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

10th March, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*