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

**CRM-M No.29559 of 2025
Date of Decision: 27.05.2025**

Kirpal Singh**..... Petitioner****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Addl.A.G., Punjab

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.19, dated 27.03.2025, under Sections 140(3), 115, 116, 118(2), 191(3), 190, 324(4), 118(1) of BNS, 2023, registered at Police Station Harike, District Tarn Taran.

2. Succinctly, the facts of the case are that the FIR in the present case has been registered on the statement of complainant Charanjit Singh, wherein it has been alleged that on 23.03.2025, at about 7:00/7:30 am, when he along with his brother Ajmer Singh was going to the village on motorcycle, he saw his son who was coming on foot from village Kirtowal Khurd after delivering milk. When he came in front of



the house of Piara Singh, then Piara Singh and his family members, pulled his son inside their house. His son started shouting and on hearing the same, he and his brother reached their house. His wife Ranjit Kaur also arrived there. They saw that Piara Singh and his family members were beating his son by tying him to a pillar. When he tried to rescue his son, then Kirpal Singh (petitioner herein) attacked him with his *kirpan* and blows of the same landed on his right arm and elbow. He fell on the ground when his wife Ranjit Kaur came forward to save him, then Piara Singh gave a blow with his *kirpan* on her head. Kirpal Singh also gave a *kirpan* blow on the head of his wife. Piara Singh and Kuljeet Kaur wife of Kirpal Singh grabbed his wife Ranjit Kaur and accused Gurbhej Singh attacked his wife with his *kirpan*, which hit on her head. Babbu son of Piara Singh attacked his brother-Ajmer Singh with his *datar*, which hit his left leg and Kuldeep Kaur wife of Babbu Singh attacked his brother with her *daang* which hit on his head and he fell to the ground. Along with them, 6/7 other unidentified individuals threw his son on the ground and gave him beatings. They also damaged his motorcycle. On raising alarm by them, all the accused escaped from the place of occurrence along with their weapons. The request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced and the injured were medico legally examined. Apprehending arrest, the petitioner approached the Court of the learned Additional Sessions Judge, Tarn Taran for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was



declined to him vide order dated 01.05.2025. Hence, aggrieved against the said order, the petitioner is before this Court by of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submitted that the petitioner is alleged to have given a grievous injury but the same is on the non vital part of complainant-Charanjit Singh. It is submitted that it is a case of version and cross-version where the petitioner's side also received injuries. The petitioner had received five injuries including one head injury. He, thus, submitted that once the case is of version and cross version, the petitioner cannot be termed as an aggressor. It is submitted that the alleged occurrence had taken place on 23.03.2025, whereas the FIR had been registered after an unexplained delay of 4 days, i.e. on 27.03.2025. He, thus, submitted that no *prima facie* case is made out against the petitioner and hence, he deserves to be granted concession of anticipatory bail.

4. *Per contra*, learned State counsel has opposed the bail application while submitting that the petitioner was duly armed with a *kirpan* and he had played a very active role in the commission of offence as he had given *kirpan* blows to the complainant and his wife. He has submitted that the injury attributed to the petitioner has been found to be grievous in nature. He also submitted that the investigation is at threshold and, thus, no case is made out for grant of anticipatory bail to



the petitioner and hence, the present petition, being devoid of merit, deserves to be dismissed.

5. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the occurrence had taken place on 23.03.2025, in which the petitioner is alleged to have been armed with a *kirpan*. He is alleged to have inflicted injuries with his *kirpan* to the complainant and his wife. Complainant-Charanjit Singh had suffered six injuries and out of them, injury nos.3 and 5 have been declared to be grievous in nature. Ranjit Kaur, wife of the complainant, has also sustained injuries on her head. Though the case is of version and cross-version, however, the petitioner was armed with a *kirpan* and he had played an active role in the commission of offence.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*



- (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*

7. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632***, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

"31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or



rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

8. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 187, held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable 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. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Allegations made against the petitioner are serious in nature. Needless to say, the investigation is at the threshold and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

27.05.2025

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(RAJESH BHARDWAJ)
JUDGE

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