

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29809-2025 (O&M)

Date of Decision: 27.05.2025

Yadwinder Singh & Anr.

... Petitioners

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Sachin Sharma, Advocate for the petitioners

Mr. JS Rattu, DAG Punjab

Sandeep Moudgil, J.

Relief claimed

(1). This petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of anticipatory bail to the petitioner in case FIR No.48 dated 12.03.2025 under Sections 109/118(2)/118(1)/115(2)/190/191(3) of BNS (Section 238 BNS added later on), registered at Police Station Sadar District Kapurthala (Annexure P1).

Facts

(2). Facts as emerging in the FIR is reproduced as under:-

“Statement of Randhir Singh s/o Swaran Singh, r/o Dhudianwal, PS Sadar, Kapurthala, aged about 42 years, Mob No.98147-68234. Stated that I am resident of above stated address and doing agricultural work. On 06.03.2025, at about 10 pm, after leaving my labour, I was returning home on my Scooty from my Motor. When I entered in the village, Ranjeet Singh former Sarpanch, Balbir Singh Member Panchayat, Raju s/o Tarlok Singh whose wife Heena is current Sarpanch along with other 2-3 persons were standing at the spot where sewage was being layed by the Panchayat. From other party, Beant Singh s/o Chanan Singh armed with Datar, Sukhwinder Singh s/o Sardar Singh armed with Datar, Yadwinder Singh s/o Jaswinder Singh armed with Kirpan, Prabhjot Singh s/o Jaswinder Singh armed with Datar, Jaswinder Singh s/o Dalip Singh armed with Gandasi, Rajinder Singh son of

Jaswant Singh armed with steel rod, Jagmeet Singh s/o Darshan Singh empty handed and Diljot Singh s/o Anup Singh residents of Dhudianwal along with 3-4 unknown persons whose name I do not know, but can recognise them if brought before me, were standing. Beant Singh and Sukhwinder Singh both were arguing with Ranjeet Singh former Sarpanch and Raju son of Tarlok regarding laying of sewage. As pit was dugout there, I stopped there and tried to pacify them and told them that it is a village matter both sides should resolve it peacefully, At that time Yadwinder Singh son of Jaswinder Singh, who was keeping grudge with me since MP lections, raised lalkara to catch hold of me and not to spare me and to kill me and to teach me a lesson for becoming a leader in the village. On this Beant Singh holding Datar tried to hit me with the intention to kill, to defend myself I raised my left arm and Datar hit on the elbow of my left arm. Then, Sukhwinder Singh gave three Datar blows which hits on back side of my head, then Yadwinder Singh gave Sword blow on the left side of my forehead. Then Prabhjot Singh gave datar blows on my head, then Jaswinder Singh gave dasti blow on my forehead. Then, Rajinder Singh gave Steel rod blows on my back. Then I fell down on the land, as I was lying Jagmeet Singh punched me on my left eye and unknown persons started kicking me on my scrotum region and also other parts of the body. On the spot ex-sarpanch Ranjeet Singh, Raju s/o Tarlok, Balbir Singh member panchayat r/o Dhudhianwal rescued me and sent me home. My head was bleeding and I was in pain. I got collapsed at my home. My father Swaran Singh arranged a vehicle and got me admitted in Civil Hospital, Kapurthala, where, Doctors prepared my MLR. As I was undergoing treatment and due to pain in my body, was unable to get my statement recorded. Today I along with my father Swaran Singh come present at Police Post Bhulana. Beant Singh s/o Chanan Singh, Sukhwinder Singh S/o Sardar Singh, Yadwinder Singh s/o Jaswinder Singh, Prabhjot Singh s/o Jaswinder Singh, Jaswinder Singh s/o Dalip Singh, Rajinder Singh s/o Jaswant Singh, Jagmit Singh s/o Darshan Singh residents of Dhudhianwal, PS Rural Kapurthala and other unknown persons tried to kill me. Strict legal action should be taken against them. I'll be given justice. Statement has been written, read and it is correct. SD/- Randheer Singh..”

Submissions of the petitioner

(3). Learned counsel for the petitioner submits that it is a case of version and cross-version wherein petitioner No.1 who is son of petitioner No.2

had received injuries out of which injury no.2 has been declared grievous in nature, and he was medically examined on the very same night i.e. 07.03.2025 at 12.00 A.M.(midnight) at CH Kapurthala. He submits that neither any DDR, has been recorded nor any action has been taken by the police on account of the aforesaid injuries received by the petitioner No.1 which is evident from copy of the MLR (Annexure P-2).

(4). Learned counsel argued that the present case otherwise is the outcome of scuffle that took place out of some minor arguments between the parties, who belong to the same village, with regard to clean up of sewerage and even as per the allegation levelled in the FIR, petitioner No.1 has been attributed lalkara and a kirpan blow on the head of the complainant/injured Randhir Singh, which has been declared simple in nature.

(5). It is then highlighted that there is an unexplained delay of a period of 06 days with regard to registration of the present FIR, as the alleged occurrence took place on 06.03.2025, but the FIR has been registered on 12.03.2025 and the aforesaid delay is material for the reason that out of the alleged 10 injuries received by the complainant/injured except the injury No.8 which has been declared grievous in nature, but the same is attributed to other co-accused, namely Beant Singh armed with datar.

Stand of the State and complainant

(6). Mr. Vivek K Thakur, Advocate has filed vakalatnama on behalf of the complainant which is taken on record.

(7). Learned State counsel along with learned counsel for the complainant submit that the petitioner along with co-accused have given grievous injuries on the person of the complainant and since they attacked the

complainant party in a planned manner, it is the intention and not the nature of injuries which bears importance and thus looking at the serious nature of offence having been committed by the petitioners, they cannot be extended the benefit of anticipatory bail inasmuch as their culpability is apparently proved.

Analysis

(8). Heard learned counsel for the parties.

(9). Upon examination of the prosecution's allegations, it appears that the petitioners, being a member of an unlawful assembly, allegedly attacked the complainant with deadly weapons, resulting in multiple injuries, including grievous ones. The medico legal report (MLR) corroborates the infliction of 10 injuries, suggesting a *prima facie* case of a violent assault with apparent intent to cause harm.

(10). Moreover, it is settled proposition of law that power exercisable under Section 482 BNSS, is somewhat extraordinary in character and it is to be exercised in exceptional cases. In State of **Andhra Pradesh vs. Vimal Krishna Kundu**, AIR 1997 SC 3589, Apex Court has held that in case of well orchestrated conspiracy, if the accused is equipped with anticipatory bail order before interrogated by police, would greatly harm the investigation and would impede the prospects of unearthing all the ramification involved in the conspiracy. Similarly, in **Ram Govind Upadhyay versus Sudarshan Singh**, (2002) 3 SCC 598, it has been observed as under:

“3. Grant of bail though being a discretionary order — but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however,

that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.”

- (11). Given the gravity of the allegations and the necessity for custodial interrogation to facilitate the recovery of the alleged offence weapons, this Court is of the considered opinion that the investigation's efficacy would be seriously compromised if the petitioners are not put to custodial interrogation.
- (12). In light of the foregoing discussion, this Court finds no merit in granting anticipatory bail to the petitioners and the same is accordingly dismissed.
- (13). Ordered accordingly.

27.05.2025
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No