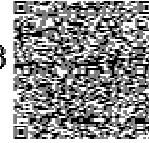


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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**CRM-M-33523-2025 (O&M)
Date of decision: 15.07.2025**

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Satinder Kaur, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Jagtar Singh Hissowal, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 43 dated 19.05.2024, registered under Sections 118(1) and 351(2) of Bharatiya Nyaya Sanhita, 2023 at Police Station Mehna, District Moga. Offence under Section 118(2) of BNS was added later on.
2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on the statement of complainant Jagsir Singh on the allegations that on 16.05.2025 at about 08:30 PM, when he came out of his house, the petitioner, who is his uncle and was under intoxication, started abusing him. He was armed with a spade. He gave a blow with the said spade on his left arm, due to which, he started

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bleeding. On the clamour being raised, the petitioner fled away from the spot. 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, Moga but the same had been dismissed, vide order dated 29.05.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The complainant has received no bone injury. He was seen driving motor cycle just after 5-6 days of the incident. The complainant party itself has entered into the house of the petitioner and started beating him and tried to kill him by attacking with an axe. The petitioner had acted only in self defence. In fact, it was dispute regarding water motor, in which, the petitioner has also sustained injuries. No recovery is to be effected from him. He is ready to join the investigation. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab, assisted by learned counsel for the complainant, has argued that there are serious and specific allegations against the petitioner. He had caused an injury on the left arm of the complainant with a sharp edged weapon. The injury has been declared to be grievous in nature. Offence under Section 118(2) of BNS has been added on 04.7.2025. Custodial interrogation of the petitioner is must for proper investigation in the matter. No sparing or extraordinary circumstance has been made out for grant of pre-arrest bail to the petitioner. It is, thus,

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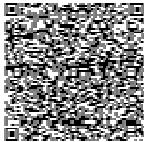


argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner is alleged to have abused the complainant and caused him an injury on his left arm with a spade on 16.05.2025, while he in inebriated condition. The doctor has declared the said injury to be grievous in nature. The petitioner is alleged to be involved in one more case registered against him under Sections 382, 342 and 343 of IPC. The allegations against him are quite serious. No sparing or extraordinary circumstance has been made out in his favour for grant of pre-arrest bail. Rather, his custodial interrogation is required for conducting proper investigation in the matter. 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 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. Accordingly, finding no merit, the petition is dismissed.

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7. 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.

15.07.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No