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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-35513 of 2025
Date of Decision: 09.07.2025

Major Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Inder Pal Singh, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. Kartikeya Swaroop, Advocate for the complainant.

Manisha Batra, J.(Oral)

1. Though the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS"), the petitioner seeks anticipatory bail in case FIR No.83 dated 16.04.2025 under Sections 103, 109, 149 and 351(3) of Bharatiya Nyaya Sanhita, 2023 (For short "BNS") and Sections 25/27 of Arms Act (offence under Sections 249, 253, 61(2), 190 of the BNS added later on and Section 149 of BNS was deleted), registered at Police Station City Tarn Taran, District Tarn Taran.

2. The aforementioned FIR was registered on the statement recorded by the complainant alleging therein that on 16.04.2025, he along with his family members was present outside the Gurudwara Baba Mahan Singh at Village Rataul, to attend proceedings of auction of some land. Gurdial Singh, Ex-Sarpanch of their village along with the present petitioner and some other persons were also present there. Most of them were armed

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with weapons. Gurdial Singh started asking the uncle of the complainant to give details of the account of the last year. Jarnail Singh, brother of the complainant offered him to let them attend the bid proceedings first. Accused Gurdial Singh became enraged and by making exhortations that the complainant and his family members should not be left, he instigated other accused and then all of them opened an attack on the complainant and his family members. They sustained injuries by attacking other persons and Jarnail Singh, brother of the complainant was badly injured. He along with injured Jarnail was taken to hospital. However, Jarnail Singh succumbed to the injuries.

3. After registration of the FIR, investigation proceedings have been initiated and are under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Tarn Taran, vide order dated 17.06.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case only due to being real brother of the accused. He was not present at the spot. Neither any specific overt act nor any injury has been attributed to him. In fact, he is a partially blind person and suffered a brain hemorrhage in the year 2010. He was nominated as an accused after 25 days of the registration of the FIR. No recovery is to be effected from him and he is ready to join the investigation. No purpose would be served by detaining him in custody and therefore, it is urged that the petition deserves to be allowed.

5. Notice of motion.

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6. Ms. Himani Arora, AAG, Punjab, who has appeared on advance notice of the petition, is ready to argue the matter. At this stage, Power of Attorney on behalf of the complainant has been filed, which is taken on record.

7. It is argued by learned State counsel assisted by learned counsel for the complainant that there are serious allegations against the petitioner who was a member of an unlawful assembly and was very much present at the spot at the relevant time and had also participated therein. She further submits that the petitioner has criminal antecedents. His custodial investigation is required for proper and thorough investigation in the matter. Even otherwise, keeping in view the gravity of the allegations, no ground for grant of pre-arrest bail is made out. No extraordinary and sparing circumstance warranting exercise of powers for grant of anticipatory bail has been made out in this case and hence, the petitioner does not deserve to be extended the benefit of anticipatory bail.

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

9. The petitioner along with co-accused is alleged to have assaulted the victim Jarnail Singh. The injuries sustained by him at the hands of the assailants proved fatal thereby causing his homicidal death. The petitioner has claimed that he is suffering with some medical condition. He has placed on record photocopy of a medical certificate dated 25.06.2025. This certificate shows that way back in the year 2010, he had suffered with brain hemorrhage. From this document, no inference that the petitioner was not capable of assaulting anybody or that he could not be



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present at the place of occurrence, can however, be drawn. There are serious allegations against the petitioner. For conducting thorough and deeper probe into the matter and for eliciting information as to the manner in which the subject offences had been committed, custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extraordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The custodial interrogation of a suspected person is qualitatively ore elicitation oriented that questioning a suspect who is well ensconced with a favourable order of anticipatory bail. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing.

10. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and the discussion made above, this Court finds no reason to allow the present petition and accordingly, the same is dismissed.

09.07.2025

D.Bansal

(MANISHA BATRA)
JUDGE

Whether speaking/ reasoned :	Yes/ No
Whether Reportable :	Yes/ No