



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

CRM-M-36605-2025

Date of Decision:15.07.2025

JAGMEET SINGH ALIAS JAGGA

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. J.S. Brar, Advocate for the petitioner.
Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J. (Oral)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.0081 dated 20.04.2025 under Sections 110, 333, 115(2), 324(4), 351(2), 191(3), 190 BNS 2023 (offence under Section 238 of BNS added later vide GD No.17 dated 18.05.2025) registered at Police Station Sadar, Distt. Faridkot, Annexure P-1.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

FIR NO.81 DATED 20.04.2025 UNDER SECTIONS 110, 333, 115(2), 324(4), 351(2), 191(3), 190 BNS 2023 REGISTERED AT POLICE STATION SADAR, DISTT. FARIDKOT

Statement of Puran Singh son of Bhupinder Singh son of Jeet Singh resident of Village Arayanwala, Distt. Faridkot aged about 43 years mobile No. 62392-27882. It is stated that I am resident of above stated address and does the work of agriculture. I have two children, one daughter Navjot Kaur is studying in foreign country Canada and younger son Jiwan Singh who is at home after passing the 12th Class. On dated 19.04.2025 at about 05.14/15 of evening I was present in the house alongwith my family members, then suddenly Jagmeet Singh @ Jagga son of Bhupinder Singh armed with axe (Kuhari), Jagmohan Singh @ Mohna son of Pappu Singh armed with iron pipe fitted with

grari, Dalbir Singh @ Deera son of Shinder Singh armed with gandasi, Jaspal Singh @ Jassa son of Pappu Singh armed with stick, Baljit Singh @ Bittu son of Dayal Singh armed with iron rod, Gurjit Singh son of Pritam Singh armed with Gandasi, Buta Singh son of Sukha Singh armed with iron rod, Sukhpal Singh @ Choopni son of Resham Singh armed with dang and Akashdeep Singh @ Akashi son of Manjit Singh armed with kirpan all residents of village Arayanwala entered our house and started hurling abuses in a loud voice and started damaging the glass windows and doors of our house. When I and my son Jiwan Singh asked them to stop then Jagmit Singh @ Jagga attacked me with the Axe (Kuhari) with an intention to murder me and the said axe (Kuhari) hit me at the right side of my forehead above the eyebrow and Jagmohan Singh @ Mohna attacked with the pipe which hit me at my left thigh. Then I and my son Jiwan Singh raised hue and cry in a loud voice and then they all of them while passing threats ran away from the spot after causing damaging to our household articles LCD, Glass doors and windows and while going they also damaged our CCTV camera installed in our courtyard. The grudge behind the occurrence is that on my statement earlier to this, one FIR was registered against jagmit Singh @ Jagga and other persons at Police station Sadar, Faridkot. That in order to put the pressure for compromise in the said FIR, they all of them entered into our house and caused damaged to our windows and doors, household articles LCD and other items. And also caused injury at my forehead with axe with an intention to murder and also damaged the camera. So it is requested that legal action be taken against all of them. Statement given, heard, same is correct. Sd/- Puran Singh, Puran Singh above said, witnessed by Sd/- Jiwan Singh son of Puran Singh resident of Arayanwala Kalan, attested Sd/- Raj Singh ASI, P.S. Sadar Faridkot, 20.04.2025.

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and there a delay of 24 hours in lodging of the present FIR. And there a delay of two and half hour in taking the complainant to the hospital whereas the distance of hospital and complainant house is approximately 20 minutes, creating a dent in the prosecution story.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that in present case there are serious allegations against the petitioner that he has given a Axe blow on the head of the complainant.

4. Analysis

This Court after hearing the submissions made by both the parties is of the view that according to the submissions made by learned State Counsel, prima facie the involvement of the petitioner can be easily made out wherein he has attacked with Axe (Kulhari) at the right side of the forehead above the eyebrow. It is officially on record that the petitioner has an intent to cause injury to the complainant and therefore, the petitioner who has such criminal nature cannot be allowed to roam freely in civilized society and this behaviour is not acceptable and the offender needs to be booked. The recovery is yet to be made and primary investigation is to be completed.

Reverting to the contention of lodging FIR after 24 days is concerned it cannot be fatal to the case of the prosecution as has been held by Apex court time and again in its various enunciation's one of such being “*Tara Singh v. State of Punjab 1991 Supp (1) SCC 536*” wherein it has been observed that it is well settled that the delay in

giving the FIR by itself cannot be a ground to doubt the prosecution case. Knowing the Indian conditions as they are we cannot expect these villagers to rush to the police station immediately after the occurrence. Human nature as it is, the kith and kin who have witnessed the occurrence cannot be expected to act mechanically with all the promptitude in giving the report to the police. At times being grief-stricken because of the calamity it may not immediately occur to them that they should give a report. After all it is but natural in these circumstances for them to take some time to go to the police station for giving the report.

The mere contention that the petitioner is ready and willing to join the investigation does not vest a right for grant him anticipatory bail because an element of cheating is involved in it. The case made out against the petitioner is certainly a relevant ground for denial of anticipatory bail in the case in hand.

The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

More so, investigation is still going on in the present case. 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.

Given the specific facts and circumstances of the case, as well as the nature of the allegations levelled against the petitioner,

marked by his involvement in another case in similar nature, this Court is not inclined to grant the relief of anticipatory bail at this stage, hence, the same is hereby dismissed.

It is, however, clarified that the observations made herein are solely for the purpose of adjudicating the present bail application and shall not influence the trial court in any manner while deciding the case on its merits and in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

15.07.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>