

CRM-M-36888-2025

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-36888-2025

Date of decision: 15th July, 2025

Sikander Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Chahal, Advocate for the petitioner.

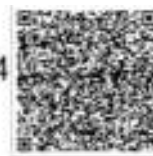
Ms. Himani Arora, Assistant Advocate General, Punjab.

Mr. Davinder Bir Singh, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

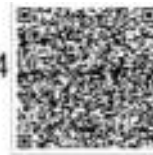
The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 60 dated 14.05.2025 registered under Sections 127(1), 115(2), 118(1), 351(3), 190 and 191(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Banur (Police District Patiala) District SAS Nagar.

2. The aforementioned FIR was registered on the basis of a complaint lodged by the complainant Sukhdeep Singh alleging that he is posted in Modern Jail, Burail. He is having a property of 25 marlas and he is in possession of the said property. There is a road leading from the side of the property possessed by him. On 14.05.2025, accused Ram Singh and his sons tried to cause obstruction in the said passage by erecting a wall therein.



The matter was taken to the Panchayat of village and both the parties were called by Sarpanch at 4:30 P.M. Then he received information from the Sarpanch that time for calling both the parties had been changed to 5:30 P.M but at 5:15 P.M, Maninderjit Singh son of complainant told him that the other party had started constructing a wall in their property upon which complainant, his brother Gurmit Singh and other family members had gone to stop the other party from raising construction of wall where the petitioner caused injury with the help of small *kirpan* (siri sahab) on the stomach and thigh of complainant and co-accused caused injury on the person of complainant as well as others. On clamour being raised by them, some persons gathered there and then the petitioner and co-accused fled away, while extending threats to kill them. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, SAS, Nagar, which was dismissed vide order dated 31.05.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, it was complainant party, who were the aggressors and a cross case against the complainant party has also been registered. The dispute is of civil nature whereby the complainant party is trying to grab the property and this dispute has been given a colour of criminal case by them. The factum of false implication is apparent as one Ram Singh, who is aged about 70 years has also been implicated in this case. Even one minor boy namely, Simranjeet Singh has also been implicated in this case. It is further argued that the petitioner is ready to join the



investigation. No recovery is to be effected from him. His custodial interrogation is not required. Therefore, it is urged, that the petitioners deserves to be extended benefit of pre-arrest bail.

4. *Per contra*, learned Assistant Advocate General, Punjab, assisted by learned counsel for the complainant has submitted that keeping in view the gravity of the allegations levelled against the petitioner, he does not deserve to be extended benefit of pre-arrest bail. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is further alleged to have caused injuries to the complainant as well as other members of the complainant party. There are serious allegations against the petitioner. It is well settled that 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 438 of Cr.P.C. Many useful information can be disinterred during custodial interrogation. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the nature of the subject offences and no extra ordinary circumstance is shown to have been made out in this case, I am of the considered opinion that custodial interrogation of the petitioner is required for conducting thorough investigation in the matter by

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the police. Accordingly, no ground for extending benefit of pre-arrest bail is made out. Hence, the petition stands dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

15th July, 2025*Parveen Sharma*

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*