



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38379-2025
DECIDED ON: 21.07.2025

SATNAM SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.S. Waraich (Rana), Advocate
for the petitioner

Mr. Jastej Singh, Addl. AG. Punjab

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS 2023 praying for Issuance of anticipatory bail to the petitioner in the FIR No. 0140 dated 14. 06.2025 (Annex. P/1), under Sections 115 (2), 118 (1) , 351 (2) of BNS, 2023, registered at Police Station Samrala, District Ludhiana.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Rashpal Singh son of Didar Singh, resident of village Seh, Police Station Samrala, District Ludhiana, age about 53 years, mobile no. 98784-30913. Stated that I am resident of aforesaid address, and agriculturist by profession. On dated 12.06.2025, in evening, at about 8:30 O'clock, I was sitting in my house and was taking meals. My

nephew Satnam Singh son of Basakha Singh, who was asking for about money from his father and when Basakha Singh refused to give money to my nephew Satnam Singh, then, my nephew Satnam Singh, all of sudden entered inside the house and lifted iron "dah" and in my presence, he tried to hit the iron 'dah' wielded by him in his hand on the head of his father Basakha Singh, then, meanwhile my sister-in-law (wife's sister) Jaswinder Kaur came forward. I came forward in order to save my brother Basakha Singh and then, Satnam Singh struck the iron 'dah' wielded by him in his hand on my head towards left side and then I raised alarm 'mar dita' and meantime my nephew Satnam Singh inflicted blow with the iron dah being carried by him in hand on fingers of left hand of Jaswinder Kaur and second blow struck on his right arm and meanwhile, Satnam Singh while extending threats to us and hurling abuses bolted main gate of house and fled away from the spot along with his weapons. Lot of blood having been oozed out from my head as also from the hand of my sister-in-law (brother's wife) Jaswinder Kaur, I ranged on Dial 112 and then, I and my sister-in-law (brother's wife), riding on motor cycle, reached civil hospital, Samrala and got ourselves medically treated and now we are undergoing medical treatment. Statement has been got scribed with you; read over and heard and it is correct. Sd/- Rashpal Singh. Counter-sign Jaswinder Kaur. Attested Sd/- Parminder Singh, ASI."

3. **Contention**

On behalf of the petitioner

Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the allegations made in the complaint are baseless, fabricated, and do not disclose any offence against the petitioner. He argued that the complaint is actuated by malafide

intentions, and has been filed in retaliation, as the petitioner and his family have raised objections to the illicit and unlawful relationship between the complainant and her maternal aunt, Jaswinder Kaur.

The learned counsel further contends that the initiation of criminal proceedings in such circumstances is nothing but a mischievous attempt to pressurize the petitioner and to prevent him from asserting his legal and rightful claim over the disputed property, as well as from exercising his freedom of speech regarding the complainant's conduct.

On behalf of the State

Learned State counsel prays for dismissal of the present petition on the ground that the petitioner has caused injuries on the person of the complainant and Jaswinder Kaur with sharp edged weapon, therefore, his custodial interrogation is required.

4. Analysis

In the present case, as per the contents of the FIR, the petitioner allegedly assaulted his own father with an iron daah and caused injuries to the complainant Rashpal Singh when he attempted to intervene. Furthermore, it is alleged that Jaswinder Kaur, the complainant's sister-in-law, also sustained multiple sharp-edged injuries during the course of the incident.

The medical legal reports (MLRs) of both injured persons corroborate the version of the complainant to the extent that the injuries were caused by a sharp weapon. The injury sustained by Rashpal Singh is on the head a vital part of the body and though the final opinion on the nature of the injury is pending X-ray report, the gravity of the alleged act cannot be

overlooked. Jaswinder Kaur has sustained multiple injuries, as reflected in her MLR, which records four stab wounds or similar injuries.

Also this Court would opine that in everyday terms, the principle of law dictates that bail is the general rule, while jail is the exception. However, this Court acknowledges that the power to grant or deny bail is extraordinary and must be exercised with caution. It is well-established that when considering a bail application (whether pre-arrest or regular bail), the Court must form a *prima facie* opinion as to whether reasonable grounds exist to support the accusation, or if the accusation is frivolous and baseless possibly made with the intention of harming or humiliating the individual, or falsely implicating them in the crime. This evaluation must be conducted in light of the self-imposed restrictions and the broader legal parameters outlined.

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. The Supreme Court in **“State vs. Anil Sharma”; (1997) 7 SCC 187**, held as under:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favourable order under Section 438 of the code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also material which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during

the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods needs not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

5. Decision

In the light of above, this Court is of the view that the direct role has been attributed to the petitioner and custodial interrogation may be necessary to recover the weapon of offence, clarifying the circumstances leading to the assault, and ascertain any premeditation or motive.

In view of the totality of circumstances and the nature and seriousness of the allegations, this Court does not find it a fit case to exercise its discretion in favour of the petitioner. Accordingly, the present petition is hereby dismissed.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

21.07.2025
Meenu

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