

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

CRM-M-39179-2025

Date of Decision:-11.08.2025

Harbhej Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vipin Mahajan, Advocate with
Ms. Chandanpreet Kaur Ahluwalia, Advocate for the Petitioner.

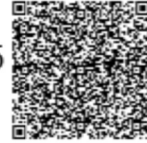
Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

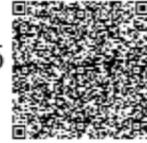
The Prayer in this petition under Section 482 BNSS is for grant of the grant of anticipatory bail in case FIR No.49 dated 11.05.2025 under Sections 115(2), 118(2), 190, 191(3) BNS Act, 2023 registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur, Punjab.

2. The present FIR came to be registered at the instance of Mr. Harmanjit Singh and reads as under:-

“ Statement of Harmanjit Singh S/o Lakhbir Singh, village Dhate, P.S Fatehgarh Churian, District Gurdaspur, aged 30 years, Mobile No. 84271-29161. It is stated that I am resident of aforementioned address and is an agriculturist. My father is having three brothers. My uncle Gurdip Singh (Chacha) who is having three daughters has given his share of land to Harbhej Singh S/o

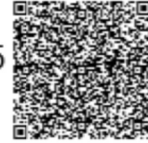


Davinder Singh Rio Dhade (who belongs to our village) on lease. Our land is joint holding. My father and my uncle (Chacha) are having common tubewell. Our land is situated near village Lalo Nangal which is joint holding and tubewell connection is also joint. Since our joint tubewell was not working, therefore, we have got installed our own submersible bore. Harbhej Singh who has taken the land of my uncle Gurdip Singh on lease, takes water from our bore. Many times, altercation took place between us and Harbhej Singh due to use of water. On 04.04.2025 my aunt Narinder Kaur (Bua) had gone to the house of Harbhej Singh and told him that he should not take the land of his brother because many times fight took place due to use of water. My aunt Narinder Kaur had also made my uncle Gurdip Singh understood that he should give his land to his brother on lease but my uncle did not agree. On 05.04.2025 time was 08:15 AM when Lovedeep Singh, son of my uncle Jaspal Singh (Taya) was going on his duty and my aunt Narinder Kaur (Bua) had gone to the house of Harbhej Singh to make him understand that he should not take the land of his brother on lease because many times alteration took place between him and her other brother due to use of water. Thereafter, daughter of Gurdip Singh had manhandled my Bua and Fauji Harbhej Singh and abused my Bua and beaten the son of uncle (Taya) and he was got admitted at Civil Hospital, Fatehgarh Churian, for treatment. On 05.04.2025 time was around 4-15 PM. I was going to give meals to Lovedeep Singh son of my uncle (Taya) at Civil Hospital, Fatehgarh Churian and when I reached near main road near the school of my village and I was on bicycle then Harbhej Singh S/o Davinder Singh armed with datar, Sukhdev Singh Sto Savinder Singh armed with handle of spade, Navdeep Singh S/o Harbhej Singh armed with baseball and



Simranjit Singh S/o Sukhdev Singh empty handed rio village Dhade along with two unknown person came there. Sukhdev Singh raised a Lalkara to catch hold of me and today I should be taught a lesson for not permitting them to use water from tubewell. Then, Lovedeep Singh gave baseball blow upon my both shoulder. Harbhej Singh gave datar blow upon me, then I raised my left arm to save myself and blow hit near wrist of my left arm. I fell down on ground. Then Sukhdev Singh gave two blows of handle of spade upon me which hit on my both shoulders when I was lying on ground then Simranjit Singh gave kick blows on my head. In the meantime, Ranjit Singh, the respectable of my village was coming on his scooty from village has raised raula Maar Ditta Maar Ditta. Then, Iqbal Singh S/o Sardool Singh r/o Dhode came out of his hose and had scolded them and they ran away from the spot along with their respective weapons. The whole occurrence is witnessed by Ranjit Singh and Iqbal Singh. After arranging the vehicle, Ranjit Singh got me admitted at Govt. Hospital Fatehgarh Churian, Doctor Sahib gave we first aid issued me MLR. The reason for the fight is that Harbhej Singh had taken the land of my uncle Gurdeep Singh (Chacha) on lease from Joint holding. Since, my uncle Gurdeep Singh was having no share, as such we have stopped Harbhej Singh for taking the water. Due to this reason, they have caused me injuries. Till date, the resecptable were making efforts for compromise which could not be materialized. Statement has been got recorded which is true and correct. Legal action be taken. Sd/-Harmanjeet Singh.”

3. The counsel for the petitioner contends that the occurrence took place on 5.4.2025 but the complaint was lodged with the police on 11.05.2025 after a gap of 36 days and this delay remains unexplained. Taking the allegations to be correct, the injury attributed to the petitioner is



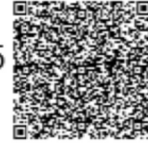
on non vital part of the body. As the petitioner is ready and willing to join the investigation he is entitled to the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, has filed short reply by way of affidavit of Mr. Vipin Kumar, PPS, Deputy Superintendent of Police, Sub Division Fatehgarh Churian, Police, District Batiala in the court which is taken on record. By referring to the aforesaid reply he contends that the petitioner has been attributed injury with a datar on the left arm near the wrist of the injured. The said injury has been declared to be grievous in nature. As regards the delay in the registration of the FIR he submits that the occurrence took place on 5.4.2025. On 6.4.2025 a DDR was recorded wherein it was stated that the parties were in the process of effecting a compromise. Therefore, the delay in the registration of the FIR stands explained. As the petitioner is the main accused and the offence is *prima facie* established, he is not entitled to the concession of anticipatory bail.

5. I have heard counsel for the parties.

6. 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.***

7. A perusal of the material on record would reveal beyond doubt



that it is the petitioner who has been attributed grievous injury with datar which a sharp edged weapon. The nature of allegations against the petitioner are grave and as such he is not entitled to the concession of anticipatory bail.

8. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

August 11, 2025
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No