



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

CRM-M-39342-2025 (O&M)

Date of decision: 22.08.2025

BALWINDER SINGH ALIAS BABBU

....Petitioner

Versus

STATE OF PUNJAB

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Ravinder Singh, DAG Punjab.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. This is a first petition under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.89 dated 09.05.2025 under Section 115(2), 118(2), 126(2), 351(3), 190, 191(3) of BNS, 2023 (Section 238 BNS added later on) at Police Station Subhanpur, District Kapurthala.

2. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case because there is party faction in the village. The injury attributed to the petitioner is on non-vital part that too is self suffered. He further submits that the petitioner is not involved in any other case and thus, deserves the concession of anticipatory bail by this Court.

3. In compliance of order dated 24.07.2025, the petitioner has submitted Medical Legal Report of the complainant.

4. Learned counsel for the State has opposed the present petition for anticipatory bail and has submitted that the petitioner is named in the FIR and there are specific allegations against him that he has inflicted injury on the left elbow of the complainant by means of Dattar and the



MLR/X-ray shows this injury No.3 has been declared grievous in nature and as per opinion of the Doctor injury No.3 shows a fracture. He further submits that custodial interrogation of the petitioner is required to recover the weapon.

5. This Court has heard learned counsel for the parties and has perused the paper-book.

6. A perusal of the FIR would show that there are specific allegations against the present petitioner that he had given a Dattar blow to the complainant on his left elbow. As per the X-ray/Medical Legal Report, the injury No.3 attributed to the petitioner has been declared grievous in nature and as per the medical opinion, injury No.3 shows fracture thus, attracting offence under Section 118(2) BNS.

7. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. As per the case of the prosecution injury No.3 is specifically attributed to the petitioner. The Medical record substantiate the nature and extent of the injuries sustained by the complainant. It would be apposite to refer herein judgment of Hon'ble Supreme Court in ***State v. Anil Sharma, (1997) 7 SCC 187***, wherein it has been held as under :

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than



questioning a suspect who is well-ensconced 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 materials 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 prearrest 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 need 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. "

8. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the petition being devoid of merits is hereby dismissed.

9. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

22.08.2025
Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No