



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

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CRM-M-42178-2025 (O&M)

Date of decision: 25.09.2025

Tehal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Nakul Sharma, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)

1. By virtue of the present petition under Section 482 BNSS, petitioner, an accused in case bearing FIR No.89 dated 16.10.2022 registered under Sections 307/353/336/186/148/149 IPC and Section 25 of Arms Act (Section 307 IPC deleted and Section 336 IPC and Section 27 of Arms Act added) at Police Station Arif Ke, District Ferozepur, has prayed for grant of pre-arrest bail.

2. On 13.08.2025, following order was passed by this Court:-

“Prayer in the present petition is for grant of anticipatory bail in case bearing FIR No.89 dated 16.10.2022 registered under Sections 307/353/336/186/148/149 IPC and Section 25 of Arms Act (Section 307 IPC deleted and Section 336 IPC and Section 27 of Arms Act added) at Police Station Arif Ke, District Ferozepur, wherein the present petitioner was arrayed as a co-accused.

Relevant facts emerging from documents on record be noticed hereinbelow:

Inspector Rupinderpal Singh set the criminal law in motion by filing a complaint pointing therein that at about 11:30 am on 16.10.2022 some persons had kidnapped Binder, near octroi No.8. Consequently, FIR bearing No.148 dated 16.10.2022 was registered at P. S Kulgari. Police team headed by him (C) were looking around for the kidnapped person, when an information was received that Binder had been taken to the house of Tehal Singh (present accused-petitioner). As expected, he along with other police officials reached at the house of Tehal Singh, where present accused-petitioner along with others namely Nirvail Singh, Davinder Singh, Ravinder



Singh, Mehal Singh, Salwinder Singh, Mokhamdeep Singh and 10/12 unidentified persons were present. On being questioned about Binder, Davinder Singh extorted others to catch hold of him (complainant Inspector Rupinder Singh). Within a split of second Tehal Singh (present accused-petitioner) gave a dang blow to him which hit him on his right shoulder. Davinder Singh and Mahal Singh tore his uniform. Cheap abuses were hurled at him. One of the miscreants, present at the spot, namely Ravinder Singh (son of present petitioner), armed with a gun pointed the same towards him (complainant), but was timely over-powered by the other police officials. Physical altercation followed between the miscreants and the police officials.

On the basis of the said complaint formal case bearing FIR No.89 dated 16.10.2022 was registered against petitioner and others under Sections 307, 353, 336, 186, 148, 149 of the IPC and Section 25 of the Arms Act (later Section 307 was deleted and Section 336 of the IPC and Section 27 of the Arms Act was added).

Apprehending his arrest in the aforesaid case, accused-petitioner filed an application for grant of pre-arrest bail, which was dismissed by the learned Additional Sessions Judge, Ferozepur, in terms of order dated 25.07.2025.

Insofar as the present bail application, is concerned, learned counsel for the petitioner submitted that petitioner has been falsely implicated in the present case; allegations levelled against him are all frivolous. Falsity of the case, set up by the complainant party, is apparent from the fact that after thoroughly investigating the matter, the police authorities were of the opinion that Tehal Singh (present petitioner) and Davinder Singh were innocent and thus recommended for cancellation of FIR No. 148 dated 16.10.2022 (as mentioned in para 5 of the status report submitted by the State).

Insofar as the present FIR, is concerned, the incident did not unfold in the manner as portrayed by prosecution. In fact, the present petitioner along with two other accused namely Mahal Singh and Salvinder Singh, had financial dispute with Binder Singh, who had taken their trolley on rent and instead of returning the same, had sold it without their (petitioners Mehal Singh and Salvinder Singh) consent. Thus, Binder Singh owed Rs.1,00,000/- to petitioner, Mehal Singh and Salvinder Singh. So as to amicably resolve this dispute a meeting was convened at the house of petitioner, which was attended by Binder of his own accord. No such incident as alleged by complainant, actually occurred. The fact that none of the police official was injured is indicative of the false allegations levelled by the police team. In fact the petitioner was not present at the place of occurrence. Learned counsel next submitted that co-accused Nirvail Singh, who is similarly situated as the present petitioner, had been granted concession of pre-arrest bail by a



Co-ordinate Bench of this Court. Learned counsel summed up his submissions by urging that even though no recovery is to be effected from the accused, his custodial interrogation is not required but he (petitioner) is willing to join the investigation as and when called for by the IO.

Learned State counsel opposed the prayer for grant of pre-arrest bail on the ground that the petitioner obstructed the police team from discharging their duties, when they reached at his house in search of Binder Singh and hit complainant with a danda on his (complainant) elbow. Further as per learned State counsel, the presence of petitioner is needed for custodial interrogation, to effect recovery of the weapon (danda) used by him in the commission of offence as also to find out the whereabouts of the other accused who had participated in the incident. Creating obstruction in the discharge of official duties of police official does not entitle the accused to the grant of relief of pre-arrest bail.

Heard.

Status report perused.

In view of the submission advanced by learned counsel for the petitioner, but without expressing any opinion on the merits of the case, the petitioner is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) BNSS.

Adjourned to 25.09.2025.”

3. Learned State counsel, on instructions from ASI Nirmal Singh, states that the petitioner has joined the investigation and has not needed for any further investigation.

4. Keeping in view the fact that petitioner has joined the investigation, interim bail granted vide order dated 13.08.2025 is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with



the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

- 5. The petition stands allowed.
- 6. Pending application, if any, also stands disposed of.

(AARADHNA SAWHNEY)
JUDGE

25.09.2025

Hemant

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