



CRM-M-42937-2025

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

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CRM-M-42937-2025

Date of decision: 23.09.2025

Gurtej Singh alias China

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Jupinder Pal Singh Brar, Advocate for the petitioner
(thorough VC).

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.10 dated 23.02.2025, registered for the offences punishable under Sections 109, 115(2), 118(1), 3(5) of BNS Act, at Police Station Sangat, District Bathinda.

2. The gravamen of the FIR in question reflects that the criminal proceedings were initiated on the statement of the complainant namely Gurdeep Singh, aged 45 years, who alleged that on 22.02.2025, the Gurtej Singh alias China (petitioner herein) along with his co-accused namely Sukhjeet Singh @ Gaggi and Manpreet Singh @ Gurpiyas Singh armed with deadly weapons attacked him and his family members outside their house. The complainant alleged that the petitioner armed with a sword gave a blow on the back side of his head which was later declared grievous in nature. It was further alleged that the minor son of the complainant namely



Jashandeep Singh sustained injuries declared dangerous to life while his wife, mother and sister-in-law also suffered multiple injuries. On raising hue and cry, all the accused fled from the spot on their motorcycles. The injured were admitted to Sharda Hospital, Bathinda for the treatment. The reasons of the enmity as per the complainant is that three boys under the influence of intoxication had fallen into the sewer in front of the house of the complainant and when the complainant and his family members tried to save them, they starting assaulting them. On these set of allegations, instant FIR was registered against the accused.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question in order to pressurize him to compromise an earlier case registered at the instance of the petitioner against the relatives of the complainant. It is argued that in that case, the petitioner himself sustained severe injuries and had rods implanted in both arms and legs leaving him incapable of free movement. Learned counsel has further iterated that it is highly improbable that the petitioner, who was advised bed rest by the doctors two days prior to the alleged occurrence, could have actively participated in the alleged attack. Furthermore, the medical opinion dated 08.04.2025 shows that most of the injuries sustained by the complainant party were simple in nature. Learned counsel has further submitted that nothing is to be recovered from the possession of the petitioner and thus, his custodial interrogation is neither warranted nor justified. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him



behind the bars. On the basis of the aforementioned submissions, the grant of instant petition is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Referring to the status report dated 22.09.2025, filed today by way of affidavit of Harjit Singh Mann, PPS, Deputy Superintendent of Police, Rural Bathinda, learned State counsel has submitted that the role attributed to the petitioner is specific that he inflicted a sword blow on the head of the complainant which was declared grievous in nature, relevant whereof reads as under:

“6. *That on 28.02.2025, the accused Sukhjit Singh @ Gaggi was arrested by the police. On the basis of the disclosure statement u/s 23 (2) BSA of the accused Sukhjit Singh @ Gaggi, the case property Kirpan used by him during occurrence, was recovered. On 08.04.2025, medical opinion qua the nature of injuries suffered by the victims was obtained, which is as follow:-*

Sr. No.	Victim's name	MLR No.	No. of injuries	Nature of injuries
1	Gurdeep Singh	MLR No.DRM/SMH@425/1 807/MLR/25	5	Injury No.1 was grievous nad rest of the injuries were simple
	Jashandeep Singh	MLR No.DRM/SMH@425/1 805/MLR/25	4	Injury No.1 dangerous to life, injury No.2 was grievous and rest of the injuries were simple
	Gurmail Kaur	MLR No.DRM/SMH@425/1 806/MLR/25	2	All simple
	Manpreet Kaur	MLR No.DRM/SMH@425/1 808/MLR/25	5	Injury No.1 was grievous and rest of the injuries were simple
	Sukhpreet Kaur	MLR No.DRM/SMH@425/1	3	Injury No.2 was grievous and



		<u>809/MLR/25</u>		<i>rest of the injuries were simple.</i>
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As per the investigation, the injury No.2 inflicted on the complainant Gurdeep Singh, injury No.1 & 3 inflicted on Manpreet Kaur and injury No.1 inflicted on Gurmail Kaur, are attributed to the accused-petitioner.”

According to learned State counsel, the incident was not isolated but a brutal assault on the entire family of the complainant including a minor boy whose injuries were dangerous to life. Moreover, the version of the complainant is duly corroborated by the medical evidence and there is no ground to discard it. Given the seriousness of the offence and the gravity of the injuries caused, the petitioner does not deserve the concession of pre-arrest bail. He submits that in view of the seriousness of the offence, the incriminating material available and the continuing investigation, no ground is made out for the grant of anticipatory bail and prays for dismissal of the instant petition.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.
6. It would be apposite to refer herein to a judgment of the Hon’ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022***, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the



investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

75. Observing that the arrest is a part of the investigation intended to secure several purposes, in **Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]** , it was held as under : (SCC p. 313, para 19)

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

76. In **Siddharam Satlingappa Mhetre v. State of Maharashtra [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]**, the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.



77. After referring to *Siddharam Satlingappa Mhetre* [*Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514*] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in *Jai Prakash Singh v. State of Bihar* [*Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468*], the Supreme Court held as under : (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See *D.K. Ganesh Babu v. P.T. Manokaran* [*D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345*], *State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain* [*State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176*] and *Union of India v. Padam Narain Aggarwal* [*Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1*].)”

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In *Directorate of Enforcement v. Ashok Kumar Jain* [*Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510*], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In *Sushila Agrawal and others v. State (NCT of Delhi) and Another* reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are



dependent on facts of the case, and subject to the discretion of the court.”

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The complainant has clearly attributed a sword blow to the petitioner on the back side of his head. The medical opinion dated 08.04.2025 confirms that this injury was grievous. Moreover, the incident led to multiple injuries to various members of the family of the complainant including an injury to the minor son of the complainant which was declared dangerous to life. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. The medical record, as available presently, seems to be corroborating the prosecution/complainant version that the petitioner (herein) has caused multiple injuries on the person of the complainant as well as his family members. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner along with co-accused and as part of an unlawful assembly, acted in furtherance of their common object inflicted multiple injuries upon the complainant party.

8. The plea of false implication of the petitioner on account of earlier enmity as well as the contention that the petitioner was physically incapable of committing the offence, are matters of defence that can only be adjudicated upon during the course of trial after appreciation of evidence. 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. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner.

9. Considering the seriousness of the allegations, the specific role attributed to the petitioner of inflicting a sword blow on the head of the complainant as well as the grievous and dangerous injuries suffered by the minor son of the complainant, no case for grant of anticipatory bail is made out at this stage. Moreover, the medical records substantiate the nature and extent of the injuries sustained by the complainant party. The material which has come on record, including the medical evidence and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. A profitable reference in this regard can be made to the judgment of the Hon'ble Supreme Court titled as **State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039**, relevant whereof reads 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 information 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 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 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.”

10. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner may be necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

11. In view of the prevenient ratiocination, it is directed as under:
- (i) The petition in hand is dismissed being devoid of any merits.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 23, 2025
Ajay

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