



CRM-M-44419-2025

1

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

103

CRM-M-44419-2025

Date of decision: 25.08.2025

Gurjant Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Lajwant Singh Virk, Advocate for the petitioner.

Mr. Gurpartap S. Bhullar, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. The present petition is the second attempt 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.45 dated 31.05.2025, registered for the offences punishable under Sections 115(2), 118(1) & 118(2), 133, 3(5), 329(3) of BNS, 2023 at Police Station Hathur, Ludhiana Rural, Punjab.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 31.07.2025. The relevant part of said order reads as under:-

“After arguing for some time, learned counsel for the petitioner seeks to withdraw the present petition in hand.

Ordered accordingly.”

Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on 12.08.2025.



2. The gravamen of the FIR in question reflects that on 29.05.2025, the complainant namely Baljot Singh, aged 19 years, resident of Bahmania, alleged that on 29.05.2025 at about 6:30 a.m., he visited the fields of his maternal grandfather namely Chamkaur Singh in village Acharwal. At that time, accused namely Palwinder Singh @ Pinder, Gurjant Singh (petitioner herein), Jora Singh, Gurcharan Singh @ Charna, and Swaran Singh, all residents of Acharwal, were present near their common boundary line (*watt*), with a tractor parked nearby. The complainant and his grandfather noticed that the accused were ploughing the common boundary line (*watt*) which had earlier been demarcated and decided by the Panchayat. When the complainant and his grandfather objected, the accused Palwinder Singh @ Pinder attacked his grandfather namely Chamkaur Singh with a *daator* (sickle) causing a severe cut injury to his leg on account of which he fell down. Thereafter, accused Gurjant Singh (petitioner herein) struck the injured leg of his grandfather and hand with a spade and caused further grievous injuries while accused Swaran Singh and Gurcharan Singh assaulted both the complainant and his grandfather namely Chamkaur Singh with rods. Furthermore, the accused Jora Singh attacked the complainant with a sickle, inflicting injuries on his arm and hand. During the assault, the turbans of both victims were torn, and gold ring and wristwatch of the grandfather of the complainant went missing. When the complainant attempted to record the incident on his mobile phone, the accused Palwinder Singh snatched and smashed the same. However, on hearing their cries, the father of the complainant namely Manpreet Singh reached the spot whereinafter all the accused fled on their tractor along with their respective weapons. The injured were taken to Civil



Hospital Hathur and then were referred to civil Hospital, Jagraon and finally admitted to DMC Ludhiana for treatment. It was alleged by the complainant that the motive of the assault was the long-standing dispute regarding the common watt, which had been settled by the Panchayat but was disregarded by the accused, leading to this brutal attack. On these set of allegations, FIR in question was registered and investigation ensued.

3. Learned counsel for the petitioner iterated that the petitioner has been falsely implicated into the FIR in question solely on account of his relationship with co-accused Gurcharan Singh, who is the cousin of the petitioner and on whose statement, a cross-version of the incident was duly recorded. Learned counsel has further iterated that the implication of the petitioner is purely mala fide, arising from an ongoing land dispute between the complainant party and co-accused Gurcharan Singh in respect of ancestral property, which has since been amicably resolve. According to learned counsel, the petitioner himself is only a co-sharer in the said land, jointly owned alongwith other family members and has no independent role in the alleged incident. Moreover, the present FIR appears to be nothing more than a calculated attempt to harass and humiliate the petitioner. It is further submitted by the learned counsel that the petitioner is willing to fully cooperate with the investigation and shall appear before the investigating agency as and when directed. Learned counsel further asserts that the co-accused of the petitioner namely Gurcharan Singh has already been granted the concession of anticipatory bail by the Court below. It is next submitted by the learned counsel that 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 the



instant petition is entreated for and the petitioner be granted the concession of the anticipatory bail.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegation of false implication is wholly misconceived and devoid of merit. He submits that the petitioner actively participated in the incident as is evident from the specific and categorical allegations levelled against him by the complainant. The role attributed to the petitioner in the assault stands corroborated by the medical evidence of the injured complainant and his grandfather. Furthermore, the registration of the cross-version DDR does not *ipso facto* absolve the petitioner of his liability. Given the severity of the allegations, the extent of the injuries sustained and the necessity for custodial interrogation, the dismissal of the instant petition is prayed for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. The present petition is a second petition for grant of anticipatory bail by the petitioner. A second anticipatory bail petition is indeed maintainable under law; however, it requires demonstration of a substantial change in circumstances since the earlier petition. It is a settled proposition of law that such a change must be significant and not merely superficial or technical, to warrant reconsideration. This standard ensures that the remedy of successive bail petitions is not misused through repeated filings but is available when new and material factors arise that alter the initial assessment of the case. The first anticipatory bail filed by the petitioner was dismissed as withdrawn on 31.07.2025. The instant petition i.e. second petition for grant of anticipatory bail has been filed thereafter on



12.08.2025. No fresh substantial change in circumstance has been brought forward which would indicate that the petitioner is entitled to maintain his second petition for grant of anticipatory bail. From the entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioner to file and maintain the second anticipatory bail petition. However, since the first anticipatory bail petition was dismissed as withdrawn and there was no adjudication on merits thereof, this Court deems it appropriate to decide the instant one on merits thereof as well.

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* was lodged on the basis of a complaint filed by the complainant with regard to an incident that allegedly occurred on 29.05.2025. The complainant while visiting his maternal grandfather at village Acharwal, were attacked by the petitioner alongwith co-accused over a dispute regarding the common boundary line (*watt*) between their agricultural fields. The accused, armed with deadly weapons, assaulted the complainant and his grandfather causing grievous injuries snatched and smashed the mobile phone of the complainant.

The allegations against the petitioner are grave in nature, involving use of deadly weapons and infliction of serious injures upon the complainant party. The contention of false implication, being a matter of defence, cannot be delved into at this stage. The mere fact that a cross-version DDR has been registered at the instance of the co-accused does not dilute the specific role attributed to the petitioner in the alleged occurrence in question. 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 purportedly seems to be corroborating the prosecution/complainant version of causing injuries. 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. 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. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The medical records substantiate the nature and extent of the injuries sustained by the complainant and his grandfather. The material which has come on record 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. In **State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039**], the Supreme Court held as under : (SCC p. 189, para 6)

“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 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.”

9. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, in view of the seriousness of the allegations, the nature of injuries caused, the custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

August 25, 2025

Ajay

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