

CRM-M-46609-2025(O&M);
CRM-M-48956-2025(O&M) and
CRM-M-50100-2025(O&M)

2025:PHHC:134109



-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-46609-2025 (O&M)
Decided on: 23.09.2025

RASHPAL SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB AND ANR

. . . Respondent(s)

(2)

CRM-M-48956-2025(O&M)

KAMALJIT SINGH AND ANR

...Petitioner(s)

Versus

STATE OF PUNJAB AND ANR

...Respondent(s)

(3)

CRM-M-50100-2025(O&M)

GURDEEP SINGH

...Petitioner(s)

Versus

STATE OF PUNJAB AND ANR

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Gopal Singh Nahel, Advocate
for the petitioner(s).

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Ruhani Chadha, Advocate
for respondent No.2.

KIRTI SINGH, J. (Oral)

This common judgment of mine shall decide the
aforementioned three petitions, as they stem from the same FIR bearing
No.101 dated 03.08.2025, under Sections 333, 76, 115(2), 126(2), 324(4),
351(2), 191(3) and 190 of BNS, registered at Police Station Bhogpur,



District Jalandhar Rural. For the sake of brevity the facts are being extracted from CRM-M-46609-2025.

2. Apprehending arrest in the aforesaid FIR, the petitioner(s) have preferred this petition under Section 482 BNSS, 2023 for grant of pre-arrest bail.

3. The contents of the aforesaid FIR are reproduced herein below:-

“Statement of Kulveer Singh S/o Balwinder Singh, resident of Village Singhpur, P.S. Bhogpur, District Jalandhar, aged about 52 years, : I stated that I am a resident of the above said address and I am engaged in agriculture. On 31.07.2025 at about 9:15 AM in the morning, I was present at my house along with my wife xxxx, my mother xxxx, and my uncle Pavitar Singh S/o Lashkar Singh. At that time, Gurdeep Singh S/ o Arjan Singh, Kamaljit Singh @ Babbu S/o Jagir Singh, Rashpal Singh S/o Pyara Singh, Lovepreet Singh @ Love S/o Gurmit Singh, all residents of Singhpur, P.S. Bhogpur, Kamalpreet Singh @ Komal S/o Satnam Singh resident of Jamalpur, P.S. Bhogpur, Jaskaran Singh @ Jassa S/o Sarbjit Singh @ Sabba resident of Sudana, P.S. Bhogpur, along with 5/6 unknown young men, entered into our house armed with their respective weapons. Then, Gurdeep Singh raised a lalkara saying, "Teach them a lesson for interfering in our matter." At that time, when I tried to run inside from the courtyard, all of them surrounded me. Gurdeep Singh hit me with the reverse side of his iron datar which hit me at the back side of my head. Thereafter, Kamaljit Singh @ Babbu hit me with his baseball bat, which landed on my right shoulder. I fell down on the ground. While I was lying on the ground, Jaskaran Singh @ Jassa along with the rest of them kicked me on my back. On hearing my cries, my wife came out into the courtyard, whereupon all of them surrounded her and started beating her. Then Jaskaran Singh @ Jassa hit my wife with his stick, which hit her on her right shoulder. Thereafter, Kamalpreet Singh @ Komal ghd Gurdeep Singh, with the intention of outraging the modesty of my wife, caught her by her neck and tore the shirt/ Jumper she was wearing. Rashpal Singh attacked my wife with his stick which hit on her left shoulder. When I tried to save my wife, some of the unknown persons caught hold of me. Lovepreet Singh @ Lov gave fist blows to my wife on her back. The elderly members present inside the house, i.e. my uncle and my mother, raised an alarm by shouting "Marr Ditta, Marr Ditta". At that, all of the accused entered inside and assaulted my uncle and my mother also, and they caused damage to the household property as well. They also broken the religious symbol (Khanda) with Ek Onkar inscribed which was fixed on the wall of our house, thereby insulting it. Hearing our cries, people from the neighbourhood began to gather, upon which all the above-named accused along fled away from the spot



along with their respective weapons while giving us threats to kill. The cause of Enmity is that on 30.07.2025, there was a verbal altercation between Gurdeep Singh and my uncle's son Charanjit Singh S/o Santokh Singh, regarding the passage of a vehicle through the street. Then, on the next day around 8:00 AM, Gurdeep Singh along with his mother came to the house of Charanjit Singh for discussion, where an argument took place. I was present at that time and I intervened to rescue and separate them. Due to this grudge, Gurdeep Singh along with his companions came to our house and assaulted us. Afterwards, my family arranged conveyance and took me and my wife for treatment to Civil Hospital Kala Bakra, where the Doctor prepared our MLRs and provided treatment. Thereafter, on our own decision, we shifted to Johal Hospital, Rama Mandi, Jalandhar for further treatment, where we are presently admitted. I have given the written statement in the presence of my wife. Necessary legal action be taken against the aforesaid accused persons. The statement was written, read over, and found correct. Sd/- Kulbir Singh (injured).”

4. Learned counsel for the petitioners *inter alia* submits that the petitioners have been falsely implicated in the instant case on the basis of the statement of respondent No.2, levelling exaggerated allegations of house trespass and assault therein. It is submitted that even if taken at face value, the MLRs of the injured persons reveal that the injuries sought to be attributed to the petitioners are simple in nature and do not corroborate the exaggerated version put forth by the complainant/respondent No.2. Further, in the purported altercation, co-accused Gurdeep Singh himself sustained a fracture on his left little finger, which fact stands proved from the medical record. In this regard, co-accused Gurdeep Singh has already moved a representation dated 04.08.2025 to Senior Superintendent of Police, Jalandhar Rural against the complainant party, pointing out the aggressor role of the complainant side, but till date no action has been taken on the same. Petitioners are ready and willing to join investigation and cooperate.

5. Learned counsel for respondent No.2/complainant has vehemently opposed the submissions advanced by learned counsel for the



petitioners and submits that there are categorical allegations against each of the petitioners, who were specifically named in the FIR. It is submitted that the petitioners, armed with deadly weapons, formed an unlawful assembly, forcibly entered the house of the complainant and assaulted him, his wife and other family members, outraged the modesty of his wife and even damaged the religious symbols. Petitioner-Kamaljit, allegedly gave a baseball bat blow on the right shoulder of the complainant, petitioner-Lovepreet Singh allegedly gave a fist blow on the back of the complainant's wife, petitioner-Rashpal Singh allegedly gave a stick blow on the left shoulder of the complainant's wife, and petitioner-Gurdeep Singh is alleged to have given a blow on the backside of the head of the complainant with the reverse side of an iron datar and, along with one accused, allegedly attempted to outrage the modesty of the wife of the complainant. The injuries suffered by the complainant party stand corroborated by medical evidence. It is thus prayed that the present petitions be dismissed.

6. Learned State counsel while relying upon the contents of the status report submits that grave and specific allegations of forcibly entering the house of the complainant with deadly weapons and assaulting the complainant and his family members. It is further submitted that as per the allegations, petitioner-Gurdeep Singh struck the complainant on the back of the head with the reverse side of an iron sickle; petitioner-Kamaljit Singh @ Babbu gave a blow on the right shoulder of the complainant; petitioner-Rashpal Singh struck the complainant's wife on her left shoulder; and petitioner-Lovepreet Singh @ Love assaulted her from behind. The accused persons even tore the shirt of the complainant's wife with intent to outrage her modesty and caused damage to the house, and vandalized a religious



symbol affixed on the wall. It is submitted that the motive behind the commission of the alleged crime admittedly, to settle scores with the complainant, who had intervened to purportedly diffuse a quarrel that had taken place a day earlier, i.e., on 30.07.2025, between accused Gurdeep Singh and Charanjit Singh, the complainant's cousin, regarding passage of a vehicle in the street. The allegations are specific, and stand corroborated by medical evidence, (MLR Nos.117 & 118 dated 31.07.2025). With respect to the representation submitted by co-accused Gurdeep Singh is concerned, it is submitted that it was looked into and found pertaining to the same incident and therefore, it is being investigated together with FIR No.101/03.08.2025. Rather, in order to facilitate proper investigation, a notice under Section 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023 was duly issued to the co accused Gurdeep Singh requiring him to participate and join the proceedings. However, despite service of the said notice, he has failed to comply with the same, thereby demonstrating deliberate non-cooperation with the investigating agency. It is therefore, prayed that the present petitions filed seeking anticipatory bail be dismissed.

With respect to the antecedents of the petitioners, it is submitted that the following cases, besides the instant FIR, were registered against three of the petitioners:-

1. Rashpal Singh:

- FIR No. 11, dated 19.02.1993, under Section 61 Punjab Excise Act, Police Station Bhogpur, District Jalandhar – Convicted 15.04.1994
- FIR No. 235, dated 04.09.1995, under Section 188 IPC, Police Station Nakodar, District Jalandhar – Convicted 22.09.1999
- FIR No. 145, dated 16.09.2000, under Section 61 Punjab Excise Act, Police Station City Phagwara, District Kapurthala
- FIR No. 43, dated 31.03.2017, under Section 61 Punjab Excise Act, Police Station Kartarpur, District Jalandhar – Convicted 09.02.2023
- FIR No. 115, dated 28.07.2018, under Section 61 Punjab Excise Act, Police



Station Bhogpur, District Jalandhar Rural – Convicted 28.07.2022

- FIR No. 143, dated 19.08.2019, under Section 61 Punjab Excise Act, Police Station Bhogpur, District Jalandhar Rural – Convicted 27.05.2022
- FIR No. 94, dated 01.08.2024, under Section 61 Punjab Excise Act, Police Station Bhogpur, District Jalandhar Rural – Challan filed 14.11.2024

2. Kamaljit Singh @ Babbu:

- FIR No. 152, dated 30.06.2020, under Sections 188 IPC and 51-B Disaster Management Act, Police Station Kartarpur, District Jalandhar-Rural – Convicted 04.11.2022

3. Gurdeep Singh:

- FIR No. 100, dated 13.06.2022, under Sections 323, 324, 427, 148, and 149 IPC, Police Station Kartarpur, District Jalandhar – Pending, prosecution evidence fixed for 23.10.2025

Therefore, considering the grave and specific allegations against the petitioners, their active participation in the commission of the offence, and their antecedents, the present petition deserves dismissal.

7. Heard the rival submissions made by both the parties.

8. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

*“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para NO. 24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may*



lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”

9. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that while considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

10. The general rule, put tersely, may be of bail, no jail; however, a just exception may be taken where there are circumstances which might thwart the course of justice. The antecedents of the accused or the probability of the accused fleeing, intimidating witnesses or tampering with the evidence, inter alia, weigh in heavy before the Court when dealing with a petition for the grant of anticipatory bail.

11. *Prima facie*, there are serious and specific allegations against the petitioners, who are specifically named in the instant FIR, involving formation unlawful assembly, assault and commission of house vandalism, in furtherance of a common intention and identified in the statement of the complainant. There is medical evidence showing the presence of injuries on the person of the complainant and his wife. Therefore, considering the gravity of the alleged offences, the specific role attributed to each petitioner,



and the criminal antecedents of petitioners Rashpal Singh, Kamaljit Singh @ Babbu and Gurdeep Singh, this Court does not deem it appropriate to extend the concession of anticipatory bail to the petitioners in the instant case, wherein their custodial interrogation might be required to unearth the true dimensions of the alleged crime.

12. In the light of the foregoing discussion, all the instant petitions are dismissed.

13. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

23.09.2025

Kavita

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>