



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

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**CRM-M-47028-2025  
Date of decision: 29.10.2025**

**PRABHJOT SINGH**

.....Petitioner

**VERSUS**

**STATE OF PUNJAB**

.....Respondent

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

**\*\*\*\*\***

Present: - Mr. Harpreet Singh Multani, Advocate and  
Ms. Amandeep Kaur, Advocate  
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

Mr. Vivek K. Thakur, Advocate  
for the complainant.

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**VINOD S. BHARDWAJ, J. (Oral)**

The present first petition has been filed under Section 482 of the BNSS, 2023 for grant of pre-arrest bail to the petitioner in case FIR No.48 dated 12.03.2025, under Sections 109, 118(2), 118(1), 115(2), 190, 191(3) of the BNS, 2023 (Section 238 of the BNS was added later on) registered at Police Station Sadar Kapurthala, District Kapurthala.



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2. The FIR in the present case has been registered on the statement of complainant Randhir Singh S/o Swaran Singh, resident of Dhudianwal, Police Station Sadar Kapurthala. The translated extract thereof reads thus:-

*“Statement of Randhir Singh s/o Swaran Singh, r/o Dhudianwal, PS Sadar, Kapurthala, aged about 42 years, Mob No.98147-xxxxx. Stated that I am resident of above stated address and doing agricultural work. On 06.03.2025, at about 10 pm, after leaving my labour, I was returning home on my Scooty from my Motor. When I entered in the village, Ranjeet Singh former Sarpanch, Balbir Singh Member Panchayat, Raju s/o Tarlok Singh whose wife Heena is current Sarpanch along with other persons were standing at the spot where sewage was being layed by the Panchayat. From other party, Beant Singh s/o Chanan Singh armed with Datar, Sikhinder Singh s/o Sardar Singh armed with Datar, Yadwinder Singh s/o Jaswinder Singh armed with Kirpan, Prabhjot Singh s/o Jaswinder Singh armed with Datar, Jaswinder Singh s/o Dalip Singh armed with Gandasi, Rajinder Singh s/o Jaswant Singh armed with steel rod, Jagmeet Singh s/o Darshan Singh empty handed and Diljot Singh s/o Anup Singh residents of Dhudianwal along with 3-4 unknown persons whose name I do not know, but can recognise them if brought before me, were standing. Beant Singh and Sukhwinder Singh both were arguing with Ranjeet Singh former Sarpanch and Raju s/o Tarlok regarding laying of sewage. As pit was dugout there, I stopped there and tried to pacifythem and told them that it a village matter both sides should resolve it peacefully. At that time Yadwinder Singh s/o Jaswinder Singh, who was keeping grudge with me since MP Elections, raised lalkara to catch hold of me and not to spare me and to kill me and to teach me a lesson for becoming a leader in the village. On this BeantSingh holding*



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*Datar tried to hit me, to defend myself I raised my left arm and Datar hits on the elbow of my left arm. Then, Sukhwinder gave a Datar blows which hits on back side of my head, then Yadwinder Singh gave Sword blow on the left side of my forehead. Then Prabhjot Singh gave datar blows on my head, then Jaswinder Singh gave dasti blow on my forehead. Then, Rajinder Singh gave Steel rod blows on my back. Then I fell down on the land, as I was lying Jagmeet Singh punched me on my left eye and unknown persons started kicking me on my scrotum region and also other parts of the body. On the spot ex-sarpanch Ranjeet Singh, Raju s/o Tarlok, Balbir Singh member panchayat r/o Dhudhianwal rescued me and sent me home. My head was bleeding and I was in pain. I got collapsed at my home. My father Swaran Singh arranged a vehicle and got me admitted in Civil Hospital, Kapurthala, where, Doctors prepared my MLR. As I was undergoing treatment and due to pain in my body, was unable to get my statement recorded. Today I along with my father Swaran Singh come present at Police Post Bhulana. Beant Singh s/o Chanan Singh, Sukhwinder Singh S/o Sardar Singh, Yadwinder Singh s/o Jaswinder Singh, Prabhjot Singh s/o Jaswinder Singh, Jaswinder Singh s/o Dalip Singh, Rajinder Singh s/o Jaswant Singh, Jagmit Singh s/o Darshan Singh residents of Dhudhianwal, PS Rural Kapurthala and other unknown persons tried to kill me. Strict legal action should be taken against them. I'll be given justice. Statement has been written, read and it is correct. Sd/ Randhir Singh, Sd/ Swaran Singh attested Davinder Pal Singh ASI Incharge, Police Post Bhulana, PS Rural Kapurthala dated 12.03.2025."*

3. Learned counsel appearing on behalf of the petitioner raises the following arguments:-



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- i) Counsel contends that a perusal of the FIR shows that the complainant has attributed the intention of causing the injuries which were dangerous to life, to co-accused Beant Singh, but the same was averted as the complainant raised his hand and the blow landed on his elbow. It is submitted that as per the opinion of the Medical Board with respect to the injury No.8 sustained by Randhir Singh S/o Swaran Singh, the same being on the Ulna, it was held that the possibility of the injury having been caused by a friendly hand cannot be ruled out.
- ii) Counsel contends that the attribution of the injury to the petitioner is on the Skull with a dattar but the said injury has been found to be simple in nature, hence, an offence under Section 109 BNS, 2023 cannot be attracted in case of the petitioner. It is submitted that the case of the petitioner would be on a better footing than Beant Singh, as the injury attracting Section 109 cannot be said to be attributable to the petitioner herein.
- iii) He contends that when the cases of the other co-accused, namely Yadwinder Singh and Jaswant Singh, came up for consideration before this Court, the aspect of the opinion of the Medical Board was not brought to the knowledge of this Court, hence, their anticipatory bail petitions were dismissed. It is thus claimed that parity of treatment be extended to the petitioner, at par with Beant Singh, to whom the concession of anticipatory

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bail has already been granted by this Court vide order dated 24.07.2025 passed in CRM-M-33563-2025.

- iv) He further contends that the true genesis of the occurrence has been concealed by the complainant and the co-accused Yadwinder Singh had himself sustained injuries in the incident. Hence, the petitioner intends to invoke the general defences under the right of private defence. The injuries having been caused in retaliation and in exercise of such right, the petitioner's version could not have been completely disregarded by the Investigating Agency.

4. Counsel appearing on behalf of the respondent-State as well as the complainant on the other hand, contend that the argument of the petitioner is not based upon a correct appreciation of the dispute involved in the present case. They contend that the injured Randhir Singh had sustained 06 injuries on his skull, which were on account of sharp-edged weapons, i.e. incised weapons. The petitioner is attributed an injury with a datar on the skull. They contend that merely because in the narration of facts, the complainant contended that the co-accused Beant Singh had attempted to give a blow with an intention to kill him, on the head, would not in any way dilute the role of the other accused who were also attributed injuries on a vital part, i.e. head of the accused. The circumstances cumulatively would be essential for determining the intent. The receipt of the injury caused and the nature of the weapon used are reflective of the intent and knowledge that is

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inherent for attracting an offence under Section 109 BNS, 2023. Thus, the argument is bereft of merit.

5. It is further argued that so far as the submission of concealment of the true genesis of the occurrence is concerned, the said argument at best could have inured in favour co-accused Yadwinder Singh. They contend that the said co-accused, who sustained injuries, had approached this Court for seeking concession of pre-arrest bail, however, the said bail petition was dismissed by this Court vide order dated 27.05.2025 passed in CRM-M-29809-2025. He submits that the anticipatory bail of both the co-accused, namely Yadwinder Singh and Jaswinder Singh having been dismissed, the case of the petitioner is at par with the case of the said co-accused. They further contend that co-accused Sukhwinder Singh, to whom another head injury was attributed, was arrested and released on regular bail. It is thus contended that the case of the petitioner would rather be at par with the said co-accused. They contend that the petitioner cannot claim parity with Beant Singh since the opinion of the medical board, relied upon by the Counsel for the petitioner, would at best create a defence in favour of Beant Singh and for which such reason, the concession of pre-arrest bail already stands extended to him vide order dated 24.07.2025. The role of the petitioner being distinguishable and not at parity with Beant Singh, such an artificial distinction solely for the purpose of claiming the concession of anticipatory bail would be akin to creating a technical argument without any substratum of merit.



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6. Having heard learned Counsel for the parties and taking into consideration that the case of the petitioner would not be at any better footing as compared to the case of Yadwinder Singh and Jaswinder Singh, which had already been dismissed by this Court, I find that the case of the petitioner is devoid of merit. He has collectively caused injuries to the head of the victim/complainant Randhir Singh which such injuries, by their nature, have been inflicted on his skull and thus reflect the intent of the parties cumulatively. Consequently, the present petition deserves dismissal.

Ordered accordingly.

**(VINOD S. BHARDWAJ)**  
**JUDGE**

**OCTOBER 29, 2025**  
*Vishal Sharma*

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No