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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(102)

CRM-M-48352-2025 (O & M)
Date of decision: 25.09.2025

Manjit Singh

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rishu Mahajan, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Kuldip Singh, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.139 dated 11.07.2025 under Sections 115(2)/118(1)/304 BNS, 2023 registered at Police Station Mehatpur, Jalandhar.

2. The present FIR came to be registered at the instance of Ranjit Singh and reads as under:-

Statement of Ranjit Singh son of Kulwinder Singh, a case of Chita resident of Village Raipur Araian Mand. Police Station Mahitpur, District Jalandhar, aged about 26 years, Mobile No. 95921-77717. Stated that I am resident of above mentioned address and do agriculture work. On 01-07-2025, a fair was going on in the village at the place of Peer. In the fair. Manjit Singh son of Bhalwan Singh resident of Chohle started abusing

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me and started quarreling with me Manjit Singh had registered against him earlier. He suspected that my brother got the case registered in connivance with the Panchayat because my brother Harjinder Singh is a member of the village Panchayat. After this quarrel, we went to our respective homes. On 08-07-2025, the respectable people of the village held a meeting in an empty field near the government primary school of village Chohle. In which my brother Harjinder Singh went to the meeting along with two Panchayat members. Manjit Singh son of Bhalwan Singh started abusing my brother Harjinder Singh and raised lalkara that he should not be spared today. Seeing the signs of a son of fight, I moved forward to save my brother from the fight, then Manjit Singh son of Bhalwan Singh, came towards me with a Datar and attacked me with the Datar, which hit the middle of my head Then Sarwan Singh, son of Bhalwan Singh, resident of Chohle, attacked me with his dang. which hit behind my shoulder, and meanwhile Lakha Singh, son of Ballu Singh, resident of Raipur Araiyan, attacked me with a dang, which hit my right thigh. Meanwhile, Bhalwan Singh, son of Ballu Singh, resident of Chohle, Amrik Singh, Jaswinder Singh, son of Lal Singh, resident of Raipur Araiyan, Parminder Singh, Shamsher Singh, Shamsher Singh Shammi, resident of Akkuwal, police station Sidhwan Bet, District Ludhiana, also made fisticuffs with me, due to which I suffered internal injuries on the rest of my body. Seeing this whole incident, my accomplice Harjinder Singh son of Thakur Singh resident Raipur Araiyaan came Sarwan Singh son of Bhalwan Singh resident Chohle attacked with his datar which hit head of my accomplice Harjinder Singh. These accused also pulled off the gold chain from my neck When I and my accomplice shouted "killed-killed", all these accused ran away from the spot with their respective weapons, taking away forward the and gold chain

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The reason for the light is that they had a suspicion upon my brother that he had got a ca registered against Manjit Singh for 'chita' in connivance with the Panchayat. Due to which they fought with me and injured me My brother arranged a vehicle and got me admitted to PHC Mahitpur for treatment I have got recorded this statement in the presence of my brother Harjinder Singh son of Harjit Singh resident of Raipur Araiyan Mand. Statement got recorded, which is correct. Sd/- Ranjit Singh.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The petitioner himself has received a grievous injury in the occurrence. As he is ready and willing to join the investigation, he is entitled to the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, has filed a short reply dated 24.09.2025 by way of an affidavit of Onkar Singh Brar, PPS, Deputy Superintendent of Police, Sub Division Shahkot, Jalandhar (Rural). He and the counsel for the complainant, while referring to the said reply, contend that the petitioner caused a grievous injury on the head of the complainant. Though, the MLR of the petitioner has been received by the investigating officer showing a grievous injury on his person, the petitioner has not given any counter-version of the occurrence in question as he is absconding. However, apparently, it is the petitioner side which attacked the complainant party in the belief that it was the brother of the complainant at whose instance a case had been registered against the petitioner-Manjit Singh for drug peddling. Therefore, the motive lies clearly with the

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petitioner. As the offence stands *prima facie* established and the recovery of the weapon of offence is to be effected, the custodial interrogation of the petitioner is required. Hence, the present petition is liable to be dismissed.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022(4) RCR (Criminal) 977***', has held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

"It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused



should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. As per the case of the prosecution, the petitioner has inflicted three injuries with a *datar* on the person of the complainant. One of the said injuries on the head is a grievous injury. The recovery of the weapon of offence is to be effected from the petitioner. As the offence stands *prima facie* established and for the investigation to be taken to its logical

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conclusion, the custodial interrogation of the petitioner is certainly required. Therefore, he is not entitled to the concession of anticipatory bail.

8. In view of the above discussion, I find no merit in the present petition and the same stands dismissed.

9. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

10. The pending application(s), if any, shall stand disposed of accordingly.

September 25, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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