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CRM-M-50096-2025 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(212)

CRM-M-50096-2025 (O & M)

Date of decision: 12.11.2025

Gurkirat Singh

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gursimran Singh Bhatia, Advocate, for the petitioner.

Mr. M.S. Toor, AAG, Punjab.

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.107 dated 27.05.2025 under Sections 115(2), 118(2), 190, 191(3) of BNS, 2023 (Sections 324, 326, 148 and 149 IPC), registered at Police Station Division Jandiala, District Police Amritsar.

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

Statement of Amritpal Singh, son of Lakhwinder Singh, resident of near Guru Nanak Park, Nava village, Satyala district, Amritsar, age 26 years, no. 98555-19440. I am a resident of that address and am currently engaged in agricultural work. On 28-4-2025, I was present in the church market in Nava village. I had gone there on the instructions of the Sarpanch of my village, Sarb Nava village, to attend the

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NREGA meeting at At about 9.15 AM, Karan Sahota armed with datar, Gurkirat Singh armed with datar, Ravinder Singh armed with a rod and Akashdeep Singh, Mehakdeep Singh alongwith two unidentified persons came there Gurkirat Singh raised Lalkara to catch hold of the complainant and to teach him a lesson for having a dispute with them. Upon this, Karan Sahota gave a datar blow on him which hit him on the left side of his head Gurkirat Singh gave a datar blow which hit him on front side of his head. Ravinder Singh gave a rod blow which hit him on his head. The complainant fell down on the ground in injured condition. While the complainant was lying on the ground, Akashdeep Singh and Mehakdeep Singh and unknown persons gave him kick blows. When the I raised hue and cry, all the assailants ran away along with their weapons, threatening to kill me. Then Sarabjit Singh Sarpanch reached the spot and arranged for me to be admitted to Civil Hospital Manawala for treatment, from where I was sent to Guru Nanak Hospital for further treatment. After treatment, I was discharged from the hospital. The incident happened on 27-4-2025 at night. I was walking in the park built near my house where Akashdeep Singh, Mehakdeep Singh and Gurkirat Singh, Karan Sahota were also present. They were abusing each other in a drunken state. I told them that the residents are near the house. Don't abuse them. They all abused me. While doing so, they left from there saying. "We will take care of you," Then, under this enmity, they seriously injured me by hitting me and abusing me. I was going to the police station to take action regarding this you met me and appropriate action should be taken against them." SD/-Amritpal Singh.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a delay of

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one month in the registration of the FIR which stands unexplained. As the petitioner 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, contends that the petitioner is the main accused having been attributed a grievous injury with a *datar* (a sharp-edged weapon) on the person of the complainant. The nature of the allegations levelled against the petitioner and the injury attributed to him do not entitle him to the grant of anticipatory bail and therefore, 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.

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*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.***

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7. When the co-accused of the petitioner, namely, Ravinder Singh @ Ravi had sought the concession of anticipatory bail, at that stage, the argument raised was that Ravinder Singh @ Ravi had been attributed a simple injury whereas Gurkirat Singh (the present petitioner) had been attributed the grievous injury with a *datar*. The said fact of the petitioner being the main accused has been reiterated by the learned counsel for the State. Therefore, the offence stands *prima facie* established. The petitioner appears to be the main accused having been attributed the injury attracting Section 326 IPC (Section 118(2) BNS, 2023). Therefore, he is not entitled to the concession of anticipatory bail.

8. In view of the above, I find no merit in this 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 led before it uninfluenced by any such observations made.

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

November 12, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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