



CRM-M-51259 of 2025

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

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CRM-M-51259 of 2025
Date of Decision: 12.09.2025

Gurwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Ms. Jigysara Kharbanda, Advocate
for the petitioner.

Mr. Ravinder Singh, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.17 dated 22.01.2025 registered under Sections 115(2), 118(1), 191(3), 190 and 118 of the Bharatiya Nyaya Sanhita, 2023 (Section 118(2) of the BNS added later on), at Police Station Ajnala, District Amritsar.

2. Brief facts as per the prosecution case are that the petitioner along with other co-accused obstructed the complainant party from visiting public Gurdwara Sahib of village and upon their protest caused injuries to the complainant.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. She argued that the said incident is dated 12.01.2025 and the FIR in question was registered on



22.01.2025 i.e. after an unexplained delay of 10 days. She further argued that the injury attributed to the present petitioner is on the non-vital part. She further argued that the true facts of the matter are that the complainant along with others had attacked the house of present petitioner and used words against their caste. An application to this effect has already been moved by the petitioner. She further argued that the custodial interrogation of the petitioner is not required and he is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar, vide order dated 14.02.2025.

5. Notice of motion.

6. Learned State counsel, who has appeared on advance notice of the petition, has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that the present petitioner gave a datar blow on the left wrist of the complainant and that injury has been declared grievous in nature and recovery of weapon of offence is yet to be effected. He further argued that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter. Hence, he prays for dismissal of the petition.

7. 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 would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"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 information 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."

8. In the present case, the allegations against the petitioner are that he inflicted datar blow on the left wrist of the complainant and this injury has been declared grievous in nature.

9. Considering the allegations against the petitioner, this Court finds no merit in the present petition in the factual matrix of the case in hand. The custodial interrogation of the petitioner is necessary for effective

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investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is accordingly dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(RUPINDERJIT CHAHAL)
JUDGE

12.09.2025*D.Bansal*

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