



CRM-M-53424 of 2025

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

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CRM-M-53424 of 2025
Date of Decision: 27.10.2025

Gurdhian Singh alias Gura

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Mohd. Salim, Advocate for the petitioner.

Mr. Amit Shukla, 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.99 dated 27.11.2024 registered under Sections 126(2), 115(2), 118(1), 333, 351(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (Section 118(2) of the BNS added later on and Section 333 of BNS deleted), at Police Station Maloud, District Khanna.

2. Brief facts as per the case of the prosecution are that the petitioner along with other co-accused, armed with weapons, attacked the complainant and his family members with an intention to kill them and caused grievous injuries.

3. Learned counsel for the petitioner has argued that the petitioner is innocent and has been falsely implicated in the present case due to some land dispute. He argued that neither the petitioner was named in the FIR nor

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has any concern with the said offence. He further argued that name of the petitioner is Gurdian Singh son of Balbhir Singh but in the FIR, the name of the petitioner has been mentioned as Gura son of Pinda but the petitioner was never called as 'Gura' and as such, the identification of the petitioner as an accused in the present case is doubtful. He argued that as per the prosecution, the petitioner has inflicted two injuries on the complainant and out of which, only one has been declared grievous in nature. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Learned counsel has further submitted that the petitioner 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, Ludhiana, vide order dated 12.09.2025.

5. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, 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 petitioner was armed with iron dah and along with other co-accused attacked the victim/complainant Gurmukh Singh and inflicted two incised wounds upon him. He further argued that both the incised wounds are specifically attributed to the present petitioner and out of them, one has been declared grievous in nature. He further argued that the complainant in his supplementary statement dated 14.09.2025 has stated that initially he named



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Gura son of Pinda in the FIR but later he got to know that his full name is Gurdhian Singh son of Balvir Singh @ Pinda, and thus submits that there is no doubt regarding his identity. He further submits 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.

6. Heard.

7. In the present case, the allegations against the petitioner are specific and serious in nature. He is alleged to have inflicted two incised wounds upon the complainant and out of which, one injury has been declared grievous in nature. The weapon used in the offence is yet to be recovered. The Court is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail in such a case, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

8. 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*',



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(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."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Thus, the present petition being devoid of merits is hereby 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

27.10.2025

D.Bansal

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