



CRM-M-55346-2025

1

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

146

CRM-M-55346-2025

Date of decision: 29.09.2025

Gurpreet Singh alias Koda alias Godha

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Harvinder Singh, Advocate for the petitioner.

Mr. Amit Goyal, Additional Advocate General, Punjab.

SUMEET GOEL, J. (Oral)

1. The present petition is the second attempt under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.49 dated 23.03.2025, registered for the offences punishable under Sections 118(2), 118(1), 115(2), 3(5) of BNS, 2023 at Police Station Jandiala, District Amritsar (Rural).

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 08.09.2025. The relevant part of said order reads as under:-

"1. Apprehending his arrest in FIR No.49 dated 23.03.2025 registered for offences punishable under Sections 118(2), 118(1), 115(2), 3(5) of BNS 2023 at Police Station Jandiala, District Amritsar (Rural); the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

2. After arguing for sometime, learned counsel appearing for the petitioner seeks to withdraw the petition in hand.

3. Ordered accordingly."



CRM-M-55346-2025

2

Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on 26.09.2025.

2. The gravamen of the FIR in question reflects that on 20.03.2025, the complainant namely Ranjodh Singh along with Amardeep Singh was present near the fields when the accused Gurpreet Singh @ Godha (petitioner herein), along with co-accused Dalbir Singh @ Bira, Sawinder Singh @ Shinda, and Sawinder Singh @ Kala, arrived at the spot. It is alleged that the accused Dalbir Singh raised a *lalkara* in order to teach a lesson to the complainant party for winning the post of Sarpanch. Thereafter, accused Sawinder Singh @ Shinda assaulted the complainant with a baseball bat while the present petitioner inflicted a *datar* blow on the nose of the complainant causing him to fall on the ground. When the Baljinder Singh came forward to intervene, he too was assaulted by the accused. On raising the alarm, all the accused/assailants fled away with their respective weapons. Thereafter, the injured were shifted to Civil Hospital, Mannawala, where their MLRs were prepared. On these set of allegations, the FIR in question was registered.

3. Learned counsel for the petitioner has iterated that the present matter is a version and cross-version case. According to learned counsel, in fact it was the complainant party who attacked the petitioner and causing as many as seven injuries to the petitioner and five injuries to his father namely Sawinder Singh, out of which several injuries were declared grievous. It has further been submitted that a cross case dated 24.03.2025 was also registered against the complainant side which shows that the prosecution



version is not reliable. The only allegation against the petitioner is that he inflicted a *datar* blow on the nose of the complainant, which is alleged to be a self-inflicted injury. Furthermore, the co-accused of the petitioner i.e. Dalbir Singh @ Bira, Sawinder Singh @ Kala and Sawinder Singh @ Shinda have already been extended the concession of anticipatory bail by this Court vide orders dated 11.09.2025. Moreover, there is an inordinate delay of 03 days in lodging the present FIR. Learned counsel has further submitted that rather, the local police, acting in collusion with the complainant, have implicated the petitioner in the false case. It has been further argued that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from him. Learned counsel asserts that the petitioner has no intention of evading the process of law and undertakes to cooperate fully with the investigation. It is next submitted by the learned counsel that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the basis of the aforementioned submissions, the grant of the instant petition is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) *has* opposed the grant of anticipatory bail to the petitioner by arguing that the present petition is not maintainable, as it constitutes a second petition for anticipatory bail, without there being any substantial change in circumstances, thereby failing both on procedural grounds and on merits. Learned State counsel has submitted that the first petition was dismissed as withdrawn on 08.09.2025 before this Court and neither any prayer was made nor was any liberty granted to the petitioner to file afresh



CRM-M-55346-2025

4

with better particulars. Accordingly, the State counsel has argued that the instant petition deserves dismissal on this score alone. Learned State counsel, opposing the plea in hand on merits, submits that the petitioner has been specifically named in the FIR with a direct allegation of causing a *datar* blow on the nose of the complainant i.e. a vital part of the body. Furthermore, the injury is duly supported by the medical evidence and cannot be said to be self-inflicted. The role attributed to the petitioner is distinct and graver than that of the other co-accused, and thus, he cannot claim parity with them. He submits that the petitioner actively participated in the incident as is evident from the specific and categorical allegations levelled against him by the complainant. Learned State counsel has further iterated that the petitioner is the main accused who not only inflicted injury on the complainant but also instigated and called his associates to the spot which lead to brutal assault with deadly weapons. Moreover, the investigation in the present matter has been conducted strictly in accordance with the law and there is no material to suggest any bias or *mala fide* on the part of the investigating agency. Given the severity of the allegations, the extent of the injuries sustained and the necessity for custodial interrogation, the dismissal of the instant petition is prayed for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It would be apposite to refer herein to a judgment passed by this Court in a titled as ***Bhisham Singh vs. State of Haryana, 2024(3) RCR(Criminal) 65***, relevant whereof reads as under:-

“11. As an epilogue to the above rumination, the following principles emerge:



I Second/successive anticipatory bail petition(s) filed under Section 438 of Cr.P.C., 1973 is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II Such second/successive anticipatory bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive anticipatory bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Accordingly, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive anticipatory bail petition(s).

V In case a Court chooses to grant second/successive anticipatory bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.

VI Once a plea for anticipatory bail has been dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or dismissed on merits by the High Court, no second/successive anticipatory bail petition(s) shall be entertained by a Sessions Court.”

7. The present petition is a second petition for grant of anticipatory bail by the petitioner. A second anticipatory bail petition is indeed maintainable under law; however, it requires demonstration of a substantial change in circumstances since the earlier petition. It is a settled

**CRM-M-55346-2025****6**

proposition of law that such a change must be significant and not merely superficial or technical, to warrant reconsideration. This standard ensures that the remedy of successive bail petitions is not misused through repeated filings but is available when new and material factors arise that alter the initial assessment of the case. The first anticipatory bail filed by the petitioner was dismissed as withdrawn on 08.09.2025. The instant petition i.e. second petition for grant of anticipatory bail has been filed thereafter on 26.09.2025. No fresh substantial change in circumstance has been brought forward which would indicate that the petitioner is entitled to maintain his second petition for grant of anticipatory bail. From the entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioner to file and maintain the second anticipatory bail petition. However, since the first anticipatory bail petition was dismissed as withdrawn and there was no adjudication on merits thereof, this Court deems it appropriate to decide the instant one on merits thereof as well.

8. Apart from it being second anticipatory bail, as per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, on the alleged day of occurrence, the petitioner, alongwith co-accused, allegedly formed an unlawful assembly and armed with deadly weapons launched a violent and premeditated assault on the injured. The allegations against the petitioner are specific and direct. The petitioner is stated to have attacked the complainant with a sharp edged weapon (*datar*), on his nose which cannot be termed as a simple injury. At this stage, the



contention that the said injury is *self-inflicted* cannot be accepted, as the same involves disputed questions of fact which are to be adjudicated during the course of trial. Furthermore, the plea of cross-version does not, by itself, absolve the petitioner from the serious allegations levelled against him. It is a settled proposition of law that both versions are to be investigated independently and the existence of a cross-case is not a ground, in itself, for grant of anticipatory bail. Moreover, the explanation furnished by the prosecution for the delay in lodging the FIR appears plausible in the facts of the case as the complainant party had to first secure medical treatment before approaching the police authorities. Thus, the delay cannot be said to be fatal to the case of the prosecution case. The incident does not merely reflect a physical assault but amounts to a targeted and premeditated act of aggression against the petitioner which was being carried out in broad daylight.

9. The petitioner has been specifically named in the FIR, and the nature of the injury attributed to him is serious reflecting the severity of the alleged act. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner along with co-accused and as part of an unlawful assembly, acted in furtherance of their common object to inflict multiple injuries upon the complainant.

10. 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. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“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 informations 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 task of disinterring offences would not conduct themselves as offenders.”

11. In view of the seriousness of the allegations, the role attributed to the petitioner of inflicting a *datar* blow on the nose of the complainant and the medical evidence which supports the version of the complainant, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Granting bail at this stage would not only undermine



CRM-M-55346-2025

9

the administration of justice but may also embolden the accused and pose a threat to the safety and well-being of the victim and other witnesses. In view of the gravity of the allegations, the specific role attributed to the petitioner, the serious nature of injuries sustained by the complainant and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand.

12. In view of the prevenient ratiocination, it is ordained thus:

- (i) The instant petition is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 29, 2025

Ajay

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