



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

CRM-M-55043-2025 (O&M)
Date of decision: 03.11.2025

GURWINDER SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

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

Mr. Gorav Kathuria, DAG Punjab.

Mr. Prateek Pandit, Advocate
for the complainant.

YASHVIR SINGH RATHOR, J. (Oral)

CRM-39388-2025

Allowed as prayed for.

CRM-M-55043-2025

1. Prayer in this petition under Section 482 of BNSS, 2023 is for grant of anticipatory bail in case FIR No.165 dated 05.07.2025 registered at Police Station Sultanpur Lodhi, District Kapurthala, under Sections 115(2), 118(1), 191(3) of BNS, 2023 (Sections 190, 118(2) of BNS, 2023 added later on vide DDR No.03 dated 18.09.2025) and Section 109 of BNS, 2023 was also added vide order dated 14.10.2025.

2. Status report by way of an affidavit of Dheerendra Verma, IPS, Assistant Superintendent of Police, Sub-Division Sultanpur Lodhi, District Kapurthala filed on behalf of the State is taken on record.



3. Learned counsel for the petitioner as well as learned State counsel have been heard and the material placed on the file has been perused.

4. The present case was registered on the basis of statement given to the police by Jagga Singh with the allegations that on 01.07.2025 at about 07.00 PM, he was going to Mothanwala on his motorcycle for getting medicines and when he reached near Saincha Road, Satwinder Singh, Gurwinder Singh and Balwant Singh came their on motorcycles and intercepted him and abused him. The complainant returned to his house and the accused also followed him there. They challenged him to come out of the house. When complainant party came out of their house in the street, they three climbed the wall of their house armed with iron pipes and iron toka. Satwinder Singh gave iron pipe toka blow on his person on his left elbow. Gurwinder Singh gave iron pipe blow on the back of his head, as a result of which he fell on the ground. Thereafter, Balwant Singh gave iron pipe toka blow on the fingers of his left hand and when he fell on the ground, they caused more injuries to him. On hearing his cries, his brothers also reached the spot and accused attacked them as well. Apprehending arrest, petitioner applied for anticipatory bail which has been dismissed by the learned Trial Court.

5. Learned counsel for the petitioner contended that offence under Section 118(2) of BNS, 2023 has been added after two months of the occurrence, after obtaining opinion from a private hospital. Petitioner was already granted ad-interim bail by the trial Court but after the offence was added, the bail was dismissed despite the fact that weapon has



already been recovered. His custodial interrogation is thus not required. Learned counsel next contended that petitioner is ready to join the investigation and to abide by the conditions that may be imposed by the Court and benefit of anticipatory bail be extended in his favour.

6. On the other hand, learned State counsel assisted by learned counsel for the complainant has opposed the bail and argued that merely because weapon has already been recovered and custodial interrogation is not required cannot be a ground to release the petitioner on anticipatory bail, who has committed a heinous offence. Victim has suffered fracture in the back portion of his head which has been caused with a sharp weapon. The said injury is attributed to the petitioner and in view of the gravity of the offence, petitioner is not entitled to the benefit of anticipatory bail.

7. It is well settled that the power to grant anticipatory bail is of extra-ordinary nature and is to be sparingly used with circumspection as held in 2022 (4) RCR (Criminal) 968 titled as **"Sachin @ Sachin Ahuja Vs. State of Punjab"**. In SLP (Crl.) 7940 2023 titled as **"Shri Kant Upadhyay Vs. State of Bihar"**, Hon'ble Apex Court has held that grant of interim protection or protection from arrest to an accused in a serious case may lead to miscarriage of justice and may hamper investigation to a great extent as it may sometimes lead to tampering or destruction of evidence. The court is cognizant of the fact that power of anticipatory bail is to be exercised in exceptional circumstances as it may cause some hindrance to normal flow of investigation which would undermine the case of the prosecution.



8. Petitioner alongwith co-accused assaulted the victim and caused injuries on the backside of his head with a sharp weapon which has resulted in fracture in the backside of the skull. The allegations against the petitioner are thus serious in nature and merely, because weapon has already been recovered and custodial interrogation is not required is not a ground to release the petitioner on anticipatory bail as gravity of offence is an important factor which has to be taken into consideration while deciding application for anticipatory bail. Moreover, petitioner is not likely to answer the questions in the right earnest in case, he is interrogated under the protective umbrella of the order of ad-interim protection that may be passed by this Court. Rather, grant of anticipatory bail will certainly hamper the investigation.

9. Resultantly, I am of the considered opinion that in view of the gravity of offence, petitioner does not deserve the concession of anticipatory bail and accordingly, the present petition is hereby dismissed.

10. Pending misc. application (s), if any, shall also stand disposed of.

03.11.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No