

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

2025.PHHC.147157



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CRM-M-56934-2025

Date of decision: 28.10.2025

Boota Singh @ Baljeet Singh and another

....Petitioners

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Neeraj Jain, Advocate for the petitioner.

Mr. Amit Kumar Goyal, Addl. AG, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed 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 petitioners in case bearing FIR
No.087 dated 10.07.2025, registered for the offences punishable under
Section 118(1), 115(2), 191(3), 190 of BNS 2023 (Section 118(2), 117(2)
added later on) at Police Station Gidderbaha, District Sri Muktsar Sahib.

2. The gravamen of the FIR in question reflects that the FIR was
registered by the investigating officer, upon the statement of the
complainant-Amandeep Singh that on 09.07.2025 at about 10:00 a.m., he
along with Amanpreet Singh, Gobind Singh, and Lovepreet Singh were
going to the Police Station to lodge a complaint against the present petitioner
no.2-Lakhvir Singh regarding threats previously extended by him. When

they reached Bharu Chowk, Gidderbaha, near the bridge, they were allegedly confronted by said Lakhveer Singh (armed with a sword), Boota Singh (armed with an axe), Rajveer Singh (armed with a dang), Gurbinder Singh (armed with a baseball bat), Rajpreet Singh (armed with a kirpan), along with 5–6 unidentified persons. At that time, Lakhveer Singh raised a *lalkara* exhorting that they should not be spared. Thereafter, Lakhveer Singh inflicted a sword blow which struck the complainant Amandeep Singh on the left side of his forehead near the eye. Rajveer Singh gave a dang blow on his back and nose. Boota Singh attacked Amanpreet Singh with an axe, causing injuries on his left wrist and elbow, and further struck him with the reverse side of the axe on his left knee. Gurbinder Singh assaulted Gobind Singh with a baseball bat on his back and head. Rajpreet Singh struck Lovepreet Singh with a sword on the backside of his right thumb, and Gurbinder Singh again hit Lovepreet Singh with a baseball bat on his jaw. The unidentified persons accompanying them also caused injuries to the complainant party. Thereafter, the accused persons forcibly took Lovepreet Singh and Amanpreet Singh in a Scorpio vehicle towards the side of Malout, from where they were later rescued by one Lovepreet Singh, with the help of his friends. Subsequently, Iqbal Singh admitted the injured to Civil Hospital, Gidderbaha, and due to the seriousness of the injuries sustained by Lovepreet Singh, he was referred to Bathinda for further treatment. On the basis of the aforesaid statement of Amandeep Singh, a case has been registered under Sections 118(1), 115(2), 191(3), 190 of BNS 2023 (Section 118(2), 117(2) added later on) was registered against the petitioner.

3. Learned counsel for the petitioners has submitted that the petitioners are innocent persons and have been falsely implicated in the

present case. He has further submitted that, in fact, the injuries were sustained by the petitioner-Lakhveer Singh at the hands of the complainant party. It is further submitted that the injuries alleged to have been caused to the complainant and others were actually inflicted by certain Nihang Singhs, and there exists a video recording substantiating this fact. The complainant has falsely implicated the petitioners by registering the present case with a *mala fide* intention. Learned counsel also submits that there is nothing to be recovered from the possession of the petitioners and, thus, they are not required for any custodial interrogation. Learned counsel asserts that the in the instant case, the FIR fails to include material facts, which further raised questions about its credibility and fairness. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioners are ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. It is lastly submitted by the learned counsel that the present petition be allowed and the petitioner be granted the concession of the anticipatory bail.

4. *Per contra*, the learned State Counsel opposed the grant of anticipatory bail to the petitioner by arguing that the offence is of a serious nature. Learned State counsel has iterated that the custodial interrogation of the petitioners is imperative for the purpose of effective and fair investigation. According to learned State counsel, in case the petitioners are granted the concession of pre-arrest, at this stage, it may impede the ongoing investigation. He has also filed status report by way of affidavit of Deputy Superintendent of Police, Sub-Division, Gidderbaha, District Sri Muktsar Sahib, relevant whereof reads thus:

“7. That the present petitioners Boota Singh and Lakhveer Singh alongwith co-accused inflicted injuries to the complainant and his friends. The injury chart is charted in a tabulated manner:-

Sr. No.	Victim	Name of the Accused	Weapon Used	Injury Detail
1.	Amandeep Singh s/o Charat Singh	Lakhveer Singh	Sword	On the left side of the forehead, near eye (Sharp Injury)
2.	Amandeep Singh s/o Charat Singh	Rajvir Singh	Stick	On the back and the on the nose. Injury No.2 and 3 (blunt)
3.	Amanpreet Singh s/o Bhupinder Singh	Boota	Axe	On left wrist and on elbow (sharp) and injury no.3 on left knee with the back side of axe (blunt)
4.	Gobind Singh s/o Inderjeet Singh	Gurpinder Singh	Baseball	On back and on the head (blunt)
5.	Lovepreet Singh s/o Injderjeet Singh	Rajpreet Singh	Sword	On the back side of thumb of right hand, injury No.1, (sharp)
6.	Lovepreet Singh s/o Injderjeet Singh	Gurpinder Singh	Baseball	On the right side of the jaw, injury no.2, blunt

8. That the petitioner Boota Singh was armed with axe and he gave four injuries with his axe to Amanpreet Singh son of Bhupinder Singh. That petitioner Lakhveer Singh was armed with Sword and he gave one injury to Amandeep Singh son of Charat Singh.”

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 of the Hon’ble Supreme Court titled as **Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another** passed in **SLP(Crl) No.1125-2022**, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which

the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

75. Observing that the arrest is a part of the investigation intended to secure several purposes, in **Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]** , it was held as under : (SCC p. 313, para 19)

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

76. In **Siddharam Satlingappa Mhetre v. State of Maharashtra [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]**, the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider

whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to Siddharam Satlingappa Mhetre [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in Jai Prakash Singh v. State of Bihar [Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468], the Supreme Court held as under : (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345], State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1].)”

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In Directorate of Enforcement v. Ashok Kumar Jain [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are

dependent on facts of the case, and subject to the discretion of the court.”

7. As per the allegations set forth in the FIR, serious charges have undeniably been made against the present petitioners, as they were specifically named in the FIR registered, by the complainant. As per submissions made by learned State counsel, the investigation is still at a preliminary stage, and custodial interrogation of the present petitioners is necessary, especially in light of the fact that they have been specifically named in the FIR. There exists a strong *prima facie* case against the petitioners, who have been specifically named in the FIR. The learned counsel for the petitioner has failed to demonstrate that the case registered against him is false. Moreover, as per the status report filed by on behalf of the State, the injuries suffered by the complainant side are blunt and serious in nature.

No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioners have been falsely implicated into the present FIR. It goes without saying that in the instant case, it was specifically alleged in the FIR that the petitioners along with other co-accused was a part of an unlawful assembly and involved in the incident in question.

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 is imperative that

& fear of any transgression. 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*** [***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***], the 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

9. In view of the gravity of the allegations, since the petitioners were members of an unlawful assembly, the necessity of custodial interrogation would arise for a fair and thorough investigation, this Court is of the considered opinion that the petitioners do not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioners is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

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10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

October 28, 2025
Naveen

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