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(214)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision : 19.11.2025

MOHAN SINGH TOOR

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. M.S. Toor, A.A.G., Punjab.

Mr. K.S. Brar, Advocate with
Mr. Deep Daman, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in this 3rd petition under Section 482 BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.66 dated 30.03.2025 registered under Sections 109, 115(2), 118(1), 304, 127(2), 331(6), 190, 191(3) BNS (Section 118(2) of BNS added later on) and Section 25 of Arms Act at Police Station Dharamkot, District Moga.

2. The present FIR came to be registered at the instance of Kuldeep Singh S/o Bachan Singh and the same reads as under:-

Statement of Kuldeep Singh son of Bachan Singh son of Ganga Singh resident of Bhinder Kalan, District Moga, aged approximately 56 years, Phone No: 9530525535. Stated that I am a resident of the aforesaid address and work in agriculture. Outside our village, in the fields, Gurudwara Sri Akhand



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Prakash Bhinder Kalan is built. The management of the Gurudwara Sahib is handled by Baba Kapoor Singh. I and other villagers also provide langar (community kitchen) service for the Sangat at Gurudwara Sahib. Baba Nazar Singh and Baba Amritpal Singh assert their right over the management of Gurudwara Sahib. Due to this, Baba Nazar Singh and others hold a grudge against Baba Kapoor Singh. On 03.12.2024, the annual Barsi of Baba Mohan Singh was being organized at the said Gurudwara Sahib. During this, Baba Nazar Singh and his supporters created a lot of ruckus in the Kirtan Darbar Hall, due to which the Sangat present in the Diwan Hall protested significantly, but both parties calmed down at the spot. Then, on 06.01.2025, during the Prakash Purab of Sri Guru Gobind Singh Ji, Baba Nazar Singh's faction again created a ruckus and tried to snatch the management of Gurudwara Sahib and there was a lot of pushing and shoving. On 07.01.2025, officials of the Civil Administration and Police Administration explained to both parties. Baba Nazar Singh and his supporters were respectfully sent out of the Gurudwara Sahib. During the Sangrand of Magh month, Phaggan month, and Chait month, Baba Amritpal Singh and his supporters, at the instigation of Baba Nazar Singh, created a lot of ruckus. The administration had calmed both parties down by explaining to them. With the consent of both parties, Tehsildar Dharamkot had put iron locks on the parking entry gate, the deodi entry gate, and the gate on the road leading to Kokri side of Gurudwara Sahib and kept the keys with himself so that no untoward incident would occur. For the surveillance of Gurudwara Sahib, as per the orders of Baba Kapoor Singh, 10 persons stay in Gurudwara Sahib every day during the night and day. On 29.3.2025, for the night surveillance of Gurudwara Sahib, I, Balwinder Singh son of Ghamand Singh, Lovepreet Singh son of Nirmal Singh, Navjot Singh son of Dharminder Singh, Gagandeep Singh son of Harvinder Singh, Gurcharan Singh



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son of Gurdev Singh and Kuldip Singh son of Jagir Singh residents of Bhinder Kalan, and Gurdeep Singh son of Santokh Singh resident of Bhinder Khurd, District Moga, and Surjit Singh son of Gurdial Singh resident of Tugal Tehsil Raikot, District Ludhiana, were present at Gurudwara Sahib. At around 1-2 AM, I was standing on the village gate side, observing, when I saw from a distance that many people were approaching us on foot from the side of the gate near the Kokri side, crossing the field. I informed my companions about them, and they also came out of the room empty-handed and started looking towards them. Meanwhile, the said individuals, including Baba Nazar Singh resident of Gurudwara Banga Sahib, Sri Amritsar Sahib, who was holding a kirpan, Baba Amritpal Singh Resident of Alachaur Police Station Sadar Nawan Shahar with a kirpan, Parminder Singh resident of Dhudike with a baseball bat, Mohan Singh son of Harbhajan Singh resident of Bhinder Kalan with a kirpan, Amrik Singh son of Joga Singh resident of Bhinder Kalan with a baseball bat, Sukhmandar Singh son of Gurdeep Singh resident of Bhinder Kalan with a 12 bore rifle, Bhajan Singh son of Harnek Singh alias Neki resident of Bhinder Kalan with a baseball bat, Rajdeep Singh Khaira son of Gurbhej Singh resident of Bhinder Kalan with a kirpan, and Kulwant Singh son of Channan Singh, Panchayat Member resident of Bhinder Kalan, Shinder Singh, Panchayat Member Bhinder Kalan with a baseball bat, and Amritpal Singh son of Shinderpal Singh resident of Bhinder Kalan with a kirpan, and 30-35 other unidentified individuals armed with deadly weapons, approached us. Then Amritpal Singh resident of Alachaur challenged his companions, and raised Lalkara, "Today, Kuldip Singh and others should not escape; teach them a lesson for supporting Baba Kapoor Singh." Upon hearing this, Amrik Singh son of Joga Singh resident of Bhinder Kalan hit me with his baseball bat, which struck the right side of my head. Then Sukhmandar Singh son of Gurdeep Singh resident



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of Bhinder Kalan tried to hit my head with the butt of his 12 bore rifle. To protect my head, I raised my right arm, and it struck my arm. Then Mohan Singh son of Harbhajan Singh resident of Bhinder Kalan, with the intention to kill, aimed a kirpan blow at my head. I moved back, and it struck the left side of my chest, near the heart. I fell to the ground, and Bhajan Singh son of Harnek Singh alias Neki resident of Bhinder Kalan hit me with his baseball bat, which struck my left knee. Their companions beat me with two baseball bats and kicks while I was on the ground. When my companions tried to rescue me from them, Sukhmandar Singh started firing aerial shots with his rifle, and all of them jointly beat my companions Balwinder Singh, Lovepreet Singh, Navjot Singh, Gagandeep Singh, Gurcharan Singh, Gurdeep Singh, Kuldip Singh, and Surjit Singh with their respective deadly weapons. We all shouted loudly, and many devotees from our village gathered at Gurudwara Sahib. Surjit Singh told me that Bhajan Singh son of Harnek Singh alias Neki resident of Bhinder Kalan forcibly took my purse from my shirt pocket, which contained Rs. 2000/- cash and my Aadhar card in the name of Surjit Singh. All the aforesaid accused locked us in a room from outside and left. Then Amardeep Singh and other respectable persons came to our room, opened the door, and took us out of the room. They arranged for vehicles and admitted all of us to Civil Hospital Moga for treatment, where I, Kuldip Singh son of Jagir Singh, Balwinder Singh son of Ghamand Singh, Gurcharan Singh son of Gurdev Singh, Lovepreet Singh son of Nirmal Singh are undergoing treatment. Gurdeep Singh son of Santokh Singh, Navjot : Singh son of Dharaminder Singh, Gagandeep Singh son of Harvinder Singh were discharged by the doctor after primary aid. Necessary : action should be taken against the aforesaid accused. I have dictated my statement to you in the presence of Amardeep Singh, read it, and heard it. It is correct. Sd/- Kuldip Singh.”

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3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is a case of version and cross-version, though the cross case has been cancelled. The dispute pertains to the management of a Gurdwara. The first MLR of the injured would show that the injury attributed to the petitioner on the chest was simple in nature. However, the word 'simple' was cut and it has been mentioned that the injury attributed to the petitioner is grievous in nature. Therefore, apparently, the offence has been enhanced at the instance of the complainant party who are hand in glove with the police. As the petitioner is ready and willing to join investigation, he is entitled to the concession of anticipatory bail.

4. A short reply dated 18.11.2025 by way of an affidavit of Rajesh Thakur, PPS, Deputy Superintendent of Police, Dharamkot (Moga) has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he along with the counsel for the complainant contend that the cross-case has been found to be false. The petitioner has given an injury with a sword on the left side of the chest of the complainant which injury has been declared to be grievous. The allegations that the MLR has been fabricated inasmuch as the first shows the injury to be simple which has been cut and the word 'grievous' has been mentioned are baseless. While writing the MLR, there was a mistake and the second MLR showing the injury to be grievous has also been signed by the same three doctors of a Board namely, Dr. Maninderjit Singh, Dr. Karan Mittal and



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Dr. Akanksha. Therefore, there is no question of fabrication of any injury. As the offence is *prima facie* established, the recovery of the weapon is to be effected and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required and therefore, the present petition is liable to be dismissed.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.*** 2022 Live Law (SC) 870 held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court



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wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.

7. As per the allegations levelled in the FIR, the petitioner attempted to give a blow of the Kirpan on the head of the complainant with an intention to kill him. However, when the complainant moved backwards, the Kirpan struck his chest near the heart. This injury has

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been found to be grievous. The argument raised that the injury was in fact 'simple and has been converted to 'grievous' at the instance of the Investigating Agency is completely baseless. A perusal of the second MLR showing the injury to be grievous would also reveal that the said MLR has been signed by the same doctors who have signed the first MLR showing the injuries to be simple. The doctors have also clarified that fact and it appears to be a clerical mistakes while writing out the first MLR. Therefore, apparently, the injury received by the complainant at the instance of the petitioner is grievous in nature. As the offence is *prima facie* established, the recovery of the weapon of offence is to be effected and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly required.

8. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

19.11.2025 Whether speaking/reasoned:- Yes/No
JITESH Whether reportable:- Yes/No