



CRM-M-64884-2025 (O&M) -1-

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

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**CRM-M-64884-2025
Decided on: 18.11.2025**

THOMAS SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

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

Mr. Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J. (Oral)

1. This is the second petition filed by the petitioner under Section 482 of BNSS, 2023 read with Section 528 of BNSS, 2023 and Article 21 of Constitution of India seeking stay of arrest and stay of operation of non-bailable warrants dated 07.08.2025 issued against the petitioner in case bearing FIR No.145 dated 02.07.2022, under Sections 324, 323, 326 and 34 of IPC, 1860, registered at Police Station Dharmkot, District Moga.

2. The allegations against the present petitioner are that in connivance with co-accused, he attacked the complainant and inflicted three injuries on his person. Out of these, two injuries were declared as grievous in nature.



3. Learned counsel for the petitioner contended that co-accused namely Lazar Singh was granted interim protection by a Coordinate Bench of this Court vide order dated 15.09.2022 (Annexure P-3) which was later made absolute vide order dated 15.12.2022 (Annexure P-4). He also contended that the present petitioner is in parity with the co-accused. He further contended that arrest warrants against the petitioner has been issued vide order dated 07.08.2025 without compliance of Section 41A of Cr.P.C.

4. At the outset, learned counsel appearing on behalf of the State on advance notice, opposed the prayer made on behalf of the petitioner and submitted that this is the second petition filed by the petitioner seeking anticipatory bail and first petition has been dismissed on merits vide order dated 15.09.2022 passed in CRM-M-39992-2022. Present petitioner-accused cannot claim parity with the co-accused (Lazar Singh) who was granted relief by learned Judicial Magistrate Ist Class, Moga. Vide order dated 15.09.2022, learned Judicial Magistrate Ist Class, Moga has specifically differentiated the role attributed to the co-accused, and denied relief to present petitioner on the ground that there are specific allegations against him of causing grievous injury with sharp edged weapon. Proclamation proceedings are also pending against him and he is at large for the last 03 years. In this case, the investigation qua co-accused has already been completed and challan has been filed and charges qua co-accused, have been framed.



5. Heard and paper book perused.
6. Keeping in view the facts and circumstances and fact that allegations against the petitioner are that the petitioner caused grievous injury on the person of the complainant-Gurjant Singh with a sharp edged weapon; arrest warrants qua the present petitioner has already been issued by the trial Court; also, the earlier petition filed by the petitioner seeking anticipatory bail has already been dismissed on merits by a Coordinate Bench of this Court; weapon is yet to be recovered, and in case titled as '**CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806**' **decided on 03.08.1997**, it has been held as under:-

“....custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the code. In a case like this effective interrogation of 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 would not conduct themselves as offenders.”



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7. In view of above, the present petition is not maintainable and the same is hereby dismissed.

8. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

(SUBHAS MEHLA)
JUDGE

18.11.2025
Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO