



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

**CRM-M No.64949 of 2025
Date of Decision: 05.12.2025**

Jaswinder Singh @ Jassa

..... Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sarju Puri, Senior Advocate with
Ms. Naseem A. Sheikh, Advocate and
Mr. Digvijay Manchanda, Advocate for the petitioner.

Ms. Ramta Chowdhary, D.A.G., Punjab.

RAJESH BHARDWAJ, J.

1. Present petition has been filed for grant of pre-arrest bail to the petitioner in case FIR No.110 dated 03.10.2025, registered under Sections 115(2), 117(2), 118(1), 118(2), 331(8), 333, 191(3), 190 & 324(2) of BNS, at Police Station Behram, District SBS Nagar.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Manpreet Singh. It was alleged that on 02.10.2025 at about 10:30 pm, when complainant, along with his family members, was present in his house, suddenly he heard loud noise from outside and someone was quarreling and hitting his gate with *Kirpan* and *Daat* blows. When complainant went outside to enquire the matter and opened the gate, Jaswinder Singh alias Jassa (petitioner), Kulwinder Singh alias Kinda and Mandeep Singh, along with 3-4 unidentified persons, who were in muffled faces, armed with *Kirpan*, *Datar*, *Dang* and *Sota*, entered the house of complainant.



Petitioner gave *Kirpan* blow on the forehead of complainant, Kulwinder Singh alias Kinda gave *Daat* blow on the left thumb of complainant, due to which, he became unconscious and fell down. The assailants gave injuries to his wife, brother and neighbour as well. On hearing the noise, the inhabitants of his village gathered and the assailants gave blows to Mandeep Kumar alias Sunny and Sukhwinder Singh Panch of village and fled away. All the injured were taken to Civil Hospital, Banga. It was alleged that the reason for attack was that earlier also petitioner had a fight with complainant side. Thus, prayer was made to take the legal action against the assailants. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Sessions Judge, Shaheed Bhagat Singh Nagar praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, learned trial Court dismissed the petition filed by the petitioner vide order dated 29.10.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned Senior counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case on account of previous enmity and that there is delay of 24 hours in informing the police. He submits that the petitioner and the complainant's side are the neighbours. He submits that it is the complainant's side who had attacked the petitioner, while he was at his home and complainant side has inflicted injuries upon the petitioner. However, the version at his



behest has not been taken into consideration and the FIR has been registered on the statement of the complainant. He thus, submits that in the facts and circumstances, there being no *prima facie* case made against the petitioner, he deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel had opposed the submission made by counsel for the petitioner and submits that the petitioner is specifically named in the FIR, who was armed with a *kirpan*. She submits that there were five injured in the present case and that multiple injuries were inflicted upon complainant Manpreet Singh, Mandeep Kumar and Sukhwinder Singh and that on account of injury no.3 on the person of Sukhwinder Singh, having been declared as grievous in nature, offence under Section 118(2) and 331(8) of B.N.S. have been added in the FIR. She submits that no cross-case has been registered on behalf of the petitioner, however, injuries as alleged by petitioner were also appreciated by the trial Court at the time of dealing with the case. She has submitted that the allegations made against the petitioner are serious in nature. She has thus submitted that the investigation is at threshold and thus custodial interrogation of the petitioner is essential. She has submitted that no case for the grant of anticipatory bail to the petitioner is made out and thus the present petition being devoid of merit deserves to be dismissed.

5. On hearing of the counsel for the parties and perusing the record, it is deciphered that the assailants entered the house of complainant and attacked as many as five persons from complainant side.



One of the injuries has been declared as grievous in nature, as a result of sharp edged weapon and one of the injuries has been declared as grievous, having being caused with blunt weapon. Though four accused have since been arrested in the present case, the attack was led by present petitioner, who attacked the complainant side in gruesome manner. The complainant was medico legally examined. From the perusal of the record, it is inferred that the injuries were caused with blunt weapons which are grievous in nature. The Court below have taken into consideration the injuries inflicted upon the petitioner, however, there is no cross-case registered as submitted by the State. The investigation is at threshold.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with*



the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”

7. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting*



anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

8. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 187, held as under:-

“6. *We find force in the submission of the CBI that 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 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. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Allegations made against the petitioner are serious in nature. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.12.2025

ps-I

(RAJESH BHARDWAJ)
JUDGE

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