

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

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**CRM-M-65689-2025
Decided on:20.11.2025**

Joginder Singh**...Petitioner****Versus****State of Haryana****...Respondent****Coram : Hon'ble Mr. Justice Rajesh Bhardwaj**

Present: Mr. Daljeet Singh Randhawa, Advocate,
for the petitioner.

Rajesh Bhardwaj, J.

1. Prayer in the present petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner in a case FIR No154 dated 14.06.2025, registered under Sections 103(1), 109(1), 115, 190, 191(2), 191(3) and 287 of the BNS, 2023 and Section 25 of the Arms Act, 1959, at Police Station Ding, District Sirsa.

2. Succinctly, the facts of the case are that the present FIR was registered on the statement of Vakil Singh, in which it was alleged that on 13.06.2025, he and his brother Bishambar were working on laying a pipeline in the land which they had taken on lease. In the meantime, their neighbours Rajendra Singh, Pragat and Raja started firing. Along with them, there were Gurpreet Singh alias Gopi armed with an iron weapon made from a motorcycle axle, Harman alias Messi armed with a rod, Labba armed with pistol, Harpreet alias Kala armed with a revolver, Maninder and Bittu armed with spades, Gurvinder Singh alias Gindi armed with sickle (*kappa*), Harman alias Hamma armed with sickle, Gerry armed with heavy iron bracelet (*kada*), Major armed with a spade and 10-15 other persons. On seeing them, Harpreet alias Kala fired two bullets which hit left leg of his brother Bishambar. Rajendra Singh hit his brother Bishambar on his head with a sword, which made him to fall on the ground. Gurpreet alias Gopi hit Bishambar on the back with his iron rod

and Raja caused injuries to Bishambar on his left arm with his iron sickle (*kappa*). Labba shot Balkar in the left arm with his pistol; Bittu also hit Rakesh on his right arm with his sickle. The remaining persons, armed with sticks, swords and sickles, injured Ravi, Balkar, Bishambar and Rakesh. Thereafter, assuming his brother Bishambar to have died, all of them escaped from the place of occurrence along with their respective weapons. The motive behind the attack was the ongoing dispute regarding monetary transaction and a boundary dispute. Thus, the request was made to take legal action against all the culprits. On registration of the FIR, the investigation commenced and during investigation, the complicity of the petitioner has been surfaced and, thus, he was arrayed as an accused. Apprehending arrest, the petitioner approached the Court of learned Sessions Judge, Sirsa, for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 17.11.2025. Hence, aggrieved against the said order, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. It is submitted that the only allegation against the petitioner is that he was part of the unlawful assembly; however, he has not been attributed any injury to anyone. It is also submitted that the only motive for implicating the petitioner in the present FIR is that his father has been alleged to be the main accused. He further submitted that the petitioner was not even present on the date, time and place of the occurrence. It is further submitted that co-accused Shunty has been granted concession of interim anticipatory bail by this Court vide order dated 13.10.2025 passed in CRM-M-57218-2025 and, thus, the petitioner also deserves to be granted concession of anticipatory bail in view of the facts and circumstances of the case and especially when no *prima facie* case is made out against him.

5. On asking of the Court, Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of the respondent-State and vehemently opposed the bail application while submitting that the petitioner along with co-accused, had opened a murderous attack upon the complainant side, in which Bishambar had succumbed to the injuries suffered by him. He further submitted that Gurvinder Singh alias Gindi and the petitioner is the same person and, thus, he was superficially named and his role was also delineated in the FIR. It is submitted that the petitioner was armed with a lethal weapon *kappa* and being member of the unlawful assembly, he caused grievous injuries to the complainant side including the deceased and, thus, no ground is made out for grant of concession of anticipatory bail to him and the present petition deserves dismissal.

6. After hearing learned counsel for the parties and perusing the available record, it is deciphered that during investigation it has been unearthed that the petitioner and accused Gurvinder Singh alias Gindi, specifically named in the FIR, are the same person and, thus, being member of the unlawful assembly, the petitioner, while armed with lethal weapon *kappa*, caused multiple injuries to the complainant side including Bishambar, who succumbed to the injuries suffered by him. The co-accused Shunty, who has been granted concession of interim anticipatory bail by this Court, was not named in the FIR and, thus, this Court found no justification for claiming parity by the petitioner with that of co-accused Shunty. Thus, keeping in view the gravity and seriousness of the offences, the contentions raised by the learned counsel for the petitioner cannot be appreciated at this stage where he has approached this Court for the grant of concession of anticipatory bail. However, the same could be appreciated at the relevant stage.

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

“482. 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."*
8. Hon'ble Supreme Court in State represented by **CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has 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 suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he 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 task of disinterring offences would not conduct themselves as offenders.”

9. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632**, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

10. 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* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the present petition, being devoid of any merit, is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

November 20, 2025
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(Rajesh Bhardwaj)
Judge

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