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

CRM-M-70650-2025

DECIDED ON: 15.12.2025

SARWAN SINGH AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Amit Arora, Advocate, for the petitioners.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J (ORAL)

1. Present 2nd petition has been filed, under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioners, in offence under Section 118(2) BNS, 2023 which has been added later on, vide DDR No.032 dated 05.08.2025 (Annexure P-8), in case, FIR No.137, dated 18.06.2025, registered under Sections 115(2), 118, 305, 333, 298, 126(2), 351(3), 191(3), 190 of Bharatiya Nyaya Sanhita 2023 (offences under Section 238 of the Bharatiya Nyaya Sanhita, 2023 added later on) at Police Station Lopoke, District Amritsar Rural (Annexure P-5).

2. It is noticed by this Court that earlier, vide order dated 05.08.2025 passed in favour of petitioner No.1, namely Sarwan Singh, and vide order dated 11.08.2025 passed in favour of petitioner No.2, namely Kewal Singh, the Court of learned Additional Sessions Judge (Fast Track Court), Amritsar, had granted regular bail to both the petitioners in respect of the then alleged offences under Sections 115(2),



118, 305, 333, 298, 126(2), 351(3), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (Section 238 of BNS having been added subsequently), arising out of FIR registered at Police Station Lopoke, District Amritsar (Annexure P-1).

Subsequently, offence under Section 118(2) of the Bharatiya Nyaya Sanhita was added, vide DDR No.032 dated 05.08.2025 (Annexure P-8).

3. Consequent thereto, upon filing anticipatory bail applications, both the petitioners were granted the concession of anticipatory bail by the Court of learned Additional Sessions Judge (Fast Track Court), Amritsar, vide orders dated 23.09.2025 (Annexures P-9 and P-10), respectively.

4. Observations recorded by learned Additional Sessions Judge (Fast Track Court), Amritsar, in the anticipatory bail petition filed by petitioner No.2, namely Kewal Singh, vide order dated 23.09.2025, are reproduced hereunder:—

“Vide instant order, this Court shall dispose of bail application filed by applicant/accused under Section 482 BNSS seeking anticipatory bail after adding Section 118(2) BNS in the afore-mentioned FIR. Record perused.

Arguments advanced. Heard.

It is pertinent to mention here that applicant/accused Kewal Singh has already been admitted to regular bail by this court vide order dated 11.08.2025 for commission of offences falling under Sections 115(2), 118, 305, 333, 298, 126(2), 351(3), 191(3), 190 BNS and Section 238 BNS (added later on).

In accordance with record, during the course of investigation, Section 118(2) BNS (326 IPC) was added vide rapat No.32/05.08.2025. The injury that led to addition of offence falling under Section 118(2) BNS is not attributed to applicant. The said injury has



been attributed to co-accused Chamkaur Singh. On account of the same, applicant/accused is directed to join investigation. In the event of arrest of applicant, he be released on bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the following conditions:

(A) Applicant/accused shall make himself available for interrogation by police officer as and when required.

(B) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of present case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

(C) He shall not leave India without prior permission of the Court.

To come up on 03.10.2025 for awaiting report of Investigating Officer/SHO concerned. Police record be returned and be produced again on the date fixed.

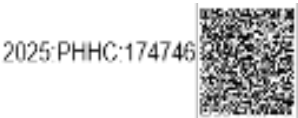
Pronounced.

Dated:23.09.2025.

*Rajvinder Singh,
Additional Sessions Judge,
(Fast Track Court)
Amritsar.
(UID No.PB0184)”*

5. On 30.10.2025, it was noticed by the Court that, despite the directions issued earlier, both the petitioners had failed to join the investigation.

Court further observed that, including the said date i.e. 30.10.2025, on two earlier occasions as well, none had appeared on behalf of the petitioners. In these circumstances, and having no other option, Court withdrew the interim relief earlier granted to both the petitioners and, accordingly, dismissed their bail applications, vide order dated 30.10.2025 passed by learned Additional Sessions Judge (Fast Track Court), Amritsar (Annexure P-10).



6. For the sake of reference, order dated 30.10.2025 passed in the bail petition of petitioner No.2, namely Kewal Singh, is reproduced hereunder:—

*“Present: None for applicant.
Ms.Ramneet Kaur, Additional Public
Prosecutor for State.*

Vide separate statement recorded before the court ASIBalwinder Singh has stated that applicant/accused Kewal Singh has not joined the investigation in accordance with direction given by this court vide interim order dated 23.09.2025.

Heard. Perusal of case file further reveals that even, none has appeared on behalf of applicant either today or on the last two dates of hearing. Hence, interim relief granted to applicant vide order dated 23.09.2025 is hereby withdrawn. Bail application stands dismissed and consigned to record room.”

7. *Prima facie*, it appears that there is no justification for filing the present petition seeking similar relief before this Court, as the same is not maintainable. The relief now claimed had already been granted earlier; however, it was the petitioners themselves who failed to comply with the conditions imposed, particularly the requirement to join the investigation. Moreover, petitioners neither joined the investigation nor appeared before the Court to explain their conduct, despite being afforded three opportunities.

8. Hence, **present petition is dismissed, being not maintainable.**

9. However, it shall remain open for the petitioners to avail any other remedy, whatever is available to them, under the law.

15.12.2025
Lavisha

(SANJAY VASHISTH)
JUDGE

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