



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

107

CRM-M-70353-2025

Date of decision: 12.12.2025

Mohan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Ramneek, Advocate for the petitioner.

Mr. Kamalpreet Bawa, DAG Punjab.

AARADHNA SAWHNEY, J (ORAL)

1. Petitioner, who is accused in case FIR No.480 dated 01.10.2025 registered against him, for commission of offences punishable under Sections 115(2),118(1),118(2),351(2),191(3),190 of BNS at Police Station Zirakpur, District SAS Nagar, Mohali, has filed the instant second petition, praying for grant of pre-arrest bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Malkit Singh son of Labh Singh, resident of Village Nagla, Police Station Zirakpur, District SAS Nagar, an agriculturist by profession set criminal law in motion by filing complaint pointing therein that at about 11.00 am on 30.09.2025, he was in his agricultural fields near Sukhna river, when sons of his paternal uncle, namely, Harpal Singh, Mohan Singh (petitioner) and his paternal aunt Karnail Kaur accompanied by two other unknown persons with muffled faces forcibly entered his fields. Without any verbal altercation, Mohan Singh (petitioner) wrapped his right arm around his neck from his behind and started pressing it. Harpal Singh, other cousin brother, who was armed with a sword hit him with the same on his head. To ward off the attack, he raised his right arm and injured the same. Two unknown assailants with muffled faces also joined hands



unleashed by the assailants, he fell down but even then the miscreants continued with their assault. His aunt-Karnail Kaur exhorted her sons and other assailants not to spare him. Sensing that he had lost consciousness, assailants fled away. Towards the end, complainant also pointed out the reason for the assault and stated that there is an ongoing dispute between him and his cousin brothers with regard to a joint land, which has not been partitioned till date. His father Labh Singh has a stay order in his favour but the family of his paternal uncle want to raise construction thereupon. When he (complainant) requested them not to take law in their own hands, they attacked him. Primarily with this backdrop, complainant lodged the complaint requesting the police officials to catch hold of the assailants, who had mercilessly assaulted him as also to initiate appropriate proceedings against them. On the basis of said complaint and medicolegal report, aforesaid FIR was registered against them.

3. Apprehending his arrest, present petitioner Mohan Singh filed an application for grant of pre-arrest bail. Same came to be dismissed by the learned Addl. Sessions Judge vide order dated 29.10.2025.

4. It needs to be pointed here that on an earlier occasion as well, petitioner had filed a petition seeking similar relief of pre-arrest bail (vide CRM-M-61875-2025). Same was dismissed as withdrawn on 14.11.2025. Copy of the said order has also been appended along with the present petition, which indicates that after arguing the matter for some time, learned counsel for the petitioner withdrew the same.

5. At the outset, learned counsel for the petitioner submits that earlier counsel withdrew the present petition without the consent of the petitioner. Moreover, the said petition was not dismissed on merits. It is further submission of learned counsel that the petitioner has been falsely implicated in the present



only with a view to pressurize him (petitioner) and his family members on account of an on going property dispute between them and complainant's family. Continuing further, learned counsel submits that some portion of joint un-partitioned land of both the parties had been sold by the petitioner on account of which complainant was nursing a grudge and was on the look-out of an opportunity to level scores. No such incident as alleged ever occurred. Learned counsel contends that similarly situated co-accused namely Karnail Kaur (mother of the petitioner) has been granted the concession of pre-arrest bail by the learned Addl. Sessions Judge vide order dated 28.10.2025. It has been prayed that similar treatment be meted to the present petitioner, who is willing to join investigation as and when called for by the Investigating Officer even though no recovery is to be effected from him. Prayer for allowing the application has been made.

6. *Per contra*, learned State counsel has opposed the request for grant of bail on the ground that in view of allegations levelled by the complainant, the role attributed to the petitioner, who along with his other brother Harpal Singh, mother-Karnail Kaur and unknown assailants barged into the fields of complainant, suddenly wrapped his right arm around his (complainant's) neck from behind and started pressing it while his other brother, who being armed with sword hit complainant on his head, no case for grant of pre-arrest of bail is made out.

Continuing further, learned State counsel contends that no document has been placed on record by the petitioner to show that he was not present at the site, thus his this plea remains unsubstantiated. When appreciated in the light of facts brought on record, the only logical assumption that can be drawn is that incident occurred with premediated mind and did not occur at the spur of the moment. Further, as per learned State counsel, custodial interrogation of the petitioner is needed to find out the whereabouts of other accused (except co-accused Kulwant Kaur) who have not been arrested as also to find out the other



intricacies of the case. It has also been prayed that the relief of anticipatory bail is an extraordinary remedy, which can be granted only when the petitioner makes out a case of exceptional hardship in his favour, which in the present case, he (petitioner) has not been able to do so. Dismissal of the petition has been prayed for.

7. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in **“P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**, has observed as under:-

“67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

In ***Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav Vs. The State of Maharashtra and another, 2025 AIR SC 3375***, the Hon'ble Supreme Court held that *“Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner.”*



8. Facts leading to the lodging of the FIR has been mentioned in para 2 of the order. The plea of the petitioner that he was not present at the site, at this stage, remains unsubstantiated. Co-accused Kulwant Kaur, who has been granted the concession of bail is not similarly situated; the role attributed to her is that she exhorted others, whereas the role of petitioner has been specifically highlighted. Thus, custodial interrogation of the petitioner is needed to find out the whereabouts/identification details of other accused (except Kulwant Kaur), who had participated in the incident and who have not been arrested till date.

9. In view of submissions advanced by learned State Counsel, this Court is of the opinion that the petitioner has not been able to make out an exceptional depravity/hardship in his favour in case, this extraordinary relief of pre-arrest bail is not granted to him. Resultantly, finding no merit in the present petition, the same is dismissed.

12.12.2025
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No