



CRM-M-72491-2025

1

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

120

CRM-M-72491-2025

Sukhvir Singh @ Sukha

...Petitioner

V/s

Sttate of Punjab

...Respondent

Date of decision: 22.12.2025**Date of Uploading : 22.12.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

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

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Rajiv Joshi, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.107 dated 24.09.2025 registered for offences punishable under Sections 109, 115(2), 118(1), 191(3), 190, 351(2), 61(2) of the BNS, 2023 at Police Station Aur, District SBS Nagar.

2. The gravamen of the FIR reflects that the instant case was registered on the basis of statement given by the complainant namely Parminder Singh @ Moti, son of Rai Singh, aged 47 years, resident of Aur Police Station area, who run a sweet shop named Rai Sweet Shop. He alleged that on the day of occurrence at about 5:50 AM, when he reached his shop and while he was opening the shutter of his shop, petitioner namely Sukhvir Singh alias Sukha, who is the son of his uncle, came to his shop

along with 3/4 unknown persons. All of them were carrying weapons while



CRM-M-72491-2025

2

petitioner - Sukhvir Singh was holding a *gandasa*. Thereafter, petitioner - Sukhvir Singh raised a *lalkara* that the complainant should not escape today and attacked the complainant with the intention to kill him. The petitioner struck the complainant on his right ear, then on his forehead and then on his left eye with the *gandasa*. Thereafter, one of the accused hit the complainant on his right arm three times with an iron rod. When the complainant ran towards the road to save himself, another unknown accused struck on the left elbow three times with a sword. To save his life, the complainant hid under a parked vehicle but his legs remained outside. Petitioner - Sukhvir Singh then hit the right leg of the complainant five times with the *gandasa*, and another unknown co-accused struck on the left leg of the complainant with a sword. During the attack, the petitioner - Sukhvir Singh shouted that he was teaching the complainant a lesson on account of raising his hand against his father. Meanwhile, the wife of the complainant namely Parminder Kaur reached the spot. Thereafter, upon noticing the gathering of people at the spot, all the assailants fled while extending threats to the complainant, brandishing their respective weapons. The alleged motive for the assault is stated to be a dispute relating to property, being a joint sweet shop. On these set of allegations, the instant FIR has been registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the present FIR. Learned counsel has further iterated that on 19.09.2025, the complainant party attacked the father of the petitioner, namely Gurmail Singh, due to a family dispute regarding a joint sweet shop situated at the Bus Stand, which has already

**CRM-M-72491-2025****3**

been partitioned as per the family settlement. On account of the said attack, the father of the petitioner was first admitted to Civil Hospital, Mukandpur, and thereafter referred to DMC, Ludhiana. According to learned counsel, the petitioner has filed a complaint against the complainant party on 19.09.2025, however, no action was taken by the police (Copy of the Medical Record of the father of the petitioner is annexed as Annexure P-2 with the instant petition). Learned counsel has submitted that due to political influence, the complainant party got a false impugned FIR registered against the petitioner and his family members only to harass, humiliate and pressurize them to surrender the disputed property. Moreover, one of the accused namely Dhiraj Kumar alias Dhanju Rana, son of Raj Kumar, who is shown as an accused in the present FIR, is permanently residing in the United States of America, which itself shows the falsity and exaggeration of the allegations. Learned counsel has further submitted that there was no intention on the part of the petitioner to cause harm to anyone and any injury attributed to the petitioner, if at all, was caused in self-defence and to save the life of his father. Even the offence under Section 109 of BNS, 2023 is not made out against the petitioner as there is no material to show any intention or abetment. Learned counsel has emphasized that the co-accused, namely Gurmail Singh, has already been extended the concession of anticipatory bail by the Court below vide orders dated 17.10.2025 and 31.10.2025 (Copies whereof has been annexed as Annexure P-4 and P-5 respectively with the instant petition). On the principle of parity, the petitioner is also entitled to the same relief. It has been further argued that there is no need for custodial interrogation of the petitioner as nothing



CRM-M-72491-2025

4

incriminating remains to be recovered from him. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. According to learned State counsel, the present petition is without merit and liable to be dismissed, as the petitioner is directly involved in the commission of a heinous and pre-meditated offence. Learned State counsel has iterated that, as per the allegations in the FIR and the statement of the complainant, the petitioner along with other co-accused, was armed with deadly weapons, attacked the complainant with a clear intention to kill, causing multiple grievous injuries on the vital parts of the body. According to learned State counsel, the medical evidence on record fully corroborates the version of the complainant and clearly establishes the seriousness of the injuries caused during the occurrence. Furthermore, the plea of false implication raised by the petitioner is baseless and an afterthought. Learned State counsel has further submitted that the offence attracts serious penal provisions under the Bharatiya Nyaya Sanhita, 2023, including Section 109, and the allegations disclose the commission of cognizable and non-bailable offences. Considering the gravity as also the seriousness of the allegations, the custodial interrogation of the petitioner is necessary to recover the weapons of offence, unearth the conspiracy and identify and apprehend the

**CRM-M-72491-2025****5**

remaining unknown assailants. Furthermore, there is a reasonable apprehension that if released on bail, the petitioner may influence or threaten the witnesses, particularly the complainant and his family members, tamper with evidence and evade the course of justice. Learned State counsel has emphasized that the grant of anticipatory bail to a co-accused does not entitle the petitioner to similar relief as each case is to be considered on its own facts and role attributed. In view of the seriousness of the allegations, the nature of injuries as also the stage of investigation; learned State counsel has prayed for dismissal of the instant petition.

5. Learned counsel appearing for the complainant (on his own volition) has vociferously opposed the grant of anticipatory bail on the ground that the petitioner has actively participated in a brutal and pre-planned attack upon the complainant with a clear intention to kill and caused multiple grievous injuries on the vital parts of the body, including the head, face, arms and legs. Learned counsel has iterated that the medical record of the complainant fully supports the prosecution case and clearly establishes the seriousness and multiplicity of injuries. According to learned counsel, the petitioner is an influential person and there is a serious apprehension that if he is enlarged on bail, he may threaten or influence the complainant and witnesses, tamper with evidence and hamper the ongoing investigation. In view of the nature of the offence, the manner of assault, the severity of injuries and the likelihood of the petitioner misusing the concession of bail, the present petition deserves to be dismissed. Accordingly, a prayer has been made for the dismissal of the instant petition.



CRM-M-72491-2025

6

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations contained in the FIR and the material on record indicates that the alleged occurrence was part of a premeditated and violent attack being carried out by a group of accused persons acting with common intention and object which resulted in serious injuries to the complainant. A perusal of the FIR reflects specific and direct allegations against the petitioner. Furthermore, the complainant has categorically stated that the petitioner, along with co-accused, armed with *gandasa*, sword and iron rods, attacked him at his shop in the early hours of the morning. The FIR attributes specific injuries to the petitioner on vital parts of the body, including the head and legs. The medical record placed on record *prima facie* supports the prosecution version and reflects the gravity and multiplicity of injuries. At this stage, the injuries cannot be termed as superficial or accidental. The argument of learned counsel for the petitioner that the incident arose out of a property dispute does not impress this Court at this stage. On the contrary, in the considered opinion of this Court, the existence of a property dispute provides a strong motive for the commission of the alleged offence. The plea of self-defence raised by the petitioner involves disputed questions of fact which can only be adjudicated during the course of trial. Such a defence cannot be examined or accepted at the stage of consideration of plea for anticipatory bail, particularly when the complainant was allegedly attacked at his place of business and was unarmed. The contention that one of the



CRM-M-72491-2025

7

accused is residing abroad does not dilute the role attributed to the present petitioner. The FIR clearly shows the active participation of the petitioner, independent of other accused persons. The grant of anticipatory bail to a co-accused does not *ipso facto* entitle the petitioner to the same relief as each bail application has to be decided on the role attributed, the nature of accusations and the material available on record. In the present case, the role of the petitioner is distinct and graver. The Court also cannot lose sight of the fact that the bail application of the petitioner has already been dismissed by the Court below which reflects the seriousness of the allegations and the need for custodial interrogation.

8. It is settled law that while considering the plea for anticipatory bail, the Court must strike a balance between the right of the individual to liberty and the need for free, fair and effective investigation. The investigation is at a nascent stage and the recovery of the weapon and verification of facts are yet to be carried out. Such offences necessitate a strong and principled judicial response to prevent their recurrence. It is borne out from the record that there are direct, specific and serious allegations against the petitioner. Having examined the material placed on record, this Court is of the considered view that the allegations levelled against the petitioner are not vague or omnibus in nature. The complainant has attributed a clear and specific role to the petitioner in the occurrence, including the use of a deadly weapon and infliction of repeated blows. Such allegations, at this stage, cannot be brushed aside as false or exaggerated. As per the stand of the investigating agency, the petitioner has participated in the assault including the use of deadly weapon i.e. *gandasa* with the clear



intention to cause death. The nature of allegations reflects a deliberate and coordinated attack carried out in a premeditated manner. In the considered opinion of this Court, granting anticipatory bail at this stage may likely to hamper the on-going investigation. No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the FIR clearly attributes a direct role to the petitioner and the medical evidence on record *prima facie* corroborates the ocular version of the complainant.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable 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 task of disinterring offences would not conduct themselves as offenders.”

10. Considering the nature and gravity of the offence, the manner in which it is alleged to have been committed and the societal impact of such violent acts, the stage of investigation as also the necessity of custodial interrogation for recovery of the weapon and verification of facts, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

11. In view of the prevenient ratiocination, it is ordained thus:
- (i) The instant petition is devoid of merits and is hereby dismissed.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

December 22, 2025
Ajay

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