



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-73131-2025

Date of decision: 24.12.2025

Gurpreet Singh and Ors.

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Balbir Singh Jaswal, Advocate for the petitioners.
Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J (ORAL)**1. Relief Sought**

The jurisdiction of this Court under Section 482 of BNSS, 2023., has been invoked by the petitioner for the grant of pre-arrest bail to him in a case bearing FIR No. 231 dated 14.11.2025, under Sections 115(2),117(2),333,3(5) of BNS registered at Police Station Chheharta, District Amritsar.

2. Facts

Prosecution story set up in the present case as per the version in the FIR read as under :-

Kanwaljit Singh, son of Gurbachan Singh, a car driver by profession set the criminal law in motion by filing a complaint pointing therein that at about 08.00 PM on 26.10.2025, Karan (petitioner No.3 herein) son of Gian Singh threw garbage in their vacant plot. On an earlier occasion as well, Karan had thrown waste material in their plot. They had objected and had also requested Karan many a times not to do so but no heed was paid. On the day, the incident occurred, Karan (P.3) was made to understand again and was asked not to throw the garbage in their plot. Little later at about 09.00/09.30 PM, Karan (P.3) accompanied by his brother-in-law Gopi (P.1), his friend Varinder Singh @ Akash (P.2) and Gian Singh (father of Karan) came to their house armed with weapons.



Gian Singh questioned him as to why he (complainant) had visited his house. Without any further provocation, Karan (P.3) exhorted others to catch hold of him (complainant). While mentioning sequence of events that had unfolded at the site, complainant alleged that Gopi (P.1) hit him on his head with a datar. He raised his hands in defence. The blow landed on the finger of his left hand. Karan hit him (complainant) with a 'datar' on his head. Akash @ Varinder Singh (P.2) also took out a pistol and brandished the same at him and other members of the family. Karan (P.3) again hit him with 'datar' on the back of his head. When he (complainant) raised alarm, his son Shera came to save him who was also not spared and was hit on the head with 'datar' by Karan (P.3). Apart from highlighting the role played by each of the assailants, complainant specifically alleged that all the assailants dragged his son Shera out of their house. Even the female members of the family, namely Harpreet Kaur and Saloni, sister-in-law and daughter-in-law respectively of the complainant were also not spared when they came to his rescue. They were dragged and were given fist/slap blows. To her utter surprise and shock, the assailants were joined by their other accomplices, who arrived at the site. Love @ Maddi exhorted Varinder Singh @ Akash (P.2) to shoot him. Complainant and his entire family were terrified. However, when people started gathering near the site, the assailants sped away along with their weapons. Arrangements were made and he was rushed to the Civil Hospital, Amritsar, where he was provided first aid. Police Authorities were intimated. Complainant also pointed out that till now, the respectables of the area were trying to amicably settle the dispute with a view to maintain peace and harmony in the locality but unfortunately due to defiant attitude of accused, compromise talks did not mature. Towards the end, he requested the police Authorities to catch hold of all the assailants, as also to initiate appropriate criminal proceedings against them.



Apprehending their arrest, the present petitioners, who have been named in the FIR and to whom specific roles have been assigned by the complainant in his first version given to the Police Authorities moved an application for grant of pre-arrest bail before the learned Addl. Sessions Judge, Amritsar. The same came to be dismissed vide order dated 06.12.2025. Aggrieved of which the present petition has been filed.

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. The fact that the FIR was lodged after an unexplained delay of 20 days itself suggests that the facts have been twisted and a colored version has been presented. No such incident as alleged by the complainant had ever occurred. Petitioners neither visited the house of the complainant nor assaulted him (complainant) and his family members. In any case, as per learned counsel, even if for the sake of arguments, the allegations levelled in the FIR are taken to be true at their face value, (though not admitted) only 'simple' injuries have been attributed to the petitioners.

It is the further submission of learned counsel that both, complainant and accused party are residents of the same village and that only with a view to harass the petitioners as also to extract illegal monetary benefit from them and their families, complainant has lodged the FIR. There being no 'Grievous' injury, all the offences except Sections 333 of BNS (452 IPC) being bailable, lenient view be taken in their favour, moreso when they are willing to join the investigations as and when called for.

Notice of motion.

On behalf of the State



Per contra, while opposing the request for grant of anticipatory bail, learned State counsel contends that no adverse inference can be drawn against the complainant only on account of late lodging of the FIR, for, in his complaint, he specifically mentioned that he did not lodge the FIR immediately after the incident as respectables of the area were trying to amicably resolve the dispute between the parties, both of whom are residents of the same village. It is only when the compromise talks failed that the police Authorities were requested to initiate appropriate proceedings. Continuing further, learned State counsel contends that no reason whatsoever has been mentioned by the petitioner as to why complainant has levelled false allegations against them. Petitioners have been mentioned in the complaint, the roles played by them has also been highlighted. Further as per State counsel, custodial interrogation of the petitioners is needed to recover the weapons used by them in the commission of offence, to know the whereabouts of other accused, none of whom has been arrested till date. In the light of submissions advanced hereinabove, learned State counsel contends that no case for grant of extraordinary relief of pre-arrest bail is made out. Dismissal of petition has been prayed for.

4. Analysis

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 while deciding the case titled as "**Ms. X Vs. The State of Maharashtra and another**", (2023 SCC Online SC 279) held as under:-

"11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of



decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

12. In Prasanta Kumar Sarkar's case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another), a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-

9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;

(ii) nature and gravity of the accusation;

(iii) severity of the punishment in the event of conviction;

(iv) danger of the accused absconding or fleeing, if released on bail;

(v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

(vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail."



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."

5. Factual aspects of the case leading to the lodging of the FIR have been noticed in para 2 of the petition. Reason for late lodging of the FIR has also been mentioned by the complainant in complaint itself and has also been elaborated upon by the learned State counsel in his submissions, which have been noticed hereinabove. Considering the allegations levelled against the petitioners, who at about 09.00/09.30 PM barged inside the house of the complainant, inflicted injuries on him and his son with sharp edged weapon i.e 'datar', some of which landed on the head of the complainant. Even, female members of the complainant's family were also not spared. Taking note of the fact that other accused are still at large, the Court is of the opinion that the petitioners have failed to make out a case of exceptional depravity/hardship in their favour, in case the concession of pre-arrest bail is not granted. Resultantly, finding no merit in the present petition, the same is dismissed.

24.12.2025
manoj

(AARADHNA SAWHNEY)
JUDGE

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