

CRM-M-3994-2026, CRM-M-6872-2026 and
CRM-M-5287-2026

2026:PHHC:033643



114 (2 cases)+117

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-3994-2026

Gurpreet @ Gopi

....Petitioner

versus

State of Punjab and another

....Respondents

2. CRM-M-6872-2026

Mangat Ram @ Mangi

....Petitioner

versus

State of Punjab and another

....Respondents

3. CRM-M-5287-2026

Kulwinder @ Gyani

....Petitioner

versus

State of Punjab and another

....Respondents

Date of Decision: March 05, 2026

Date of Uploading: March 05, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Balwant Singh, Advocate for the petitioner(s).

Mr. Adhiraj Singh Thind, AAG Punjab.

None for respondent No.2.

SUMEET GOEL, J. (Oral)

By way of the present common judgment, this Court proceeds to decide aforesaid three petitions in hand, since there is commonality and congruity of legal issues therein, as conceded by the learned rival counsel.

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For the cause of convenience, the facts are drawn out from CRM-M-3994-2026 titled as Gurpreet @ Gopi versus State of Punjab and another.

Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR No.107 dated 25.10.2025, registered for the offences punishable under Sections 118(1), 118(2), 109, 333, 324(4), 191(3) and 190 of the BNS Act, 2023, at Police Station Nurmehal, District Jalandhar Rural.

2. The gravamen of the allegations against the petitioner is that the complainant, namely, Sunil Kumar, stated that on 22.10.2025 at about 9:00 PM, his niece was bursting crackers outside their house. During that time, their neighbour – Resham Lal started scolding and abusing the girl. When the complainant questioned Resham Lal as to why he was abusing the child, Resham Lal began abusing the complainant as well. In the meantime, Resham Lal's nephew, namely, Mangat Ram alias Mangi (*petitioner herein in CRM-M-6872-2026*) and Gurpreet alias Gopi (*petitioner herein in CRM-M-3994-2026*) arrived at the spot armed with a *kirpan* and *khanda* respectively. Mangat Ram raised a *lalkara*, declaring that the complainant should not be spared that day.

Thereafter, the accused persons chased the complainant up to his house. Mangat Ram, armed with a *kirpan*, inflicted a blow aimed at the complainant which struck his right hand. When the complainant raised his hand to defend himself, the blow resulted in severe injury to his thumb, which was cut and amputated, causing profuse bleeding. Gurpreet Singh then inflicted a *khanda* blow which struck the complainant on his left hand.

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In the meantime, Toti, Jashan, Simmu, Giani (*petitioner herein in CRM-M-5287-2026*), and son of Resham Lal, namely, Sarabjit alias Sabi, also arrived at the spot armed with their respective weapons. Giani inflicted a *kirpan* blow on the complainant's right hand, causing injuries to his other fingers. When Harpreet Ram attempted to intervene and rescue the complainant, Sarabjit alias Sabi inflicted a *kirpan* blow on his head, as a result of which blood started oozing out. Further, Jashan and Simmu caused damage to the property by striking the tiles outside the complainant's gate with *sotas*, thereby breaking them. Toti also inflicted a *kirpan* blow on the gate, causing damage to it. After causing injuries and damaging the property, all the assailants fled from the spot along with their weapons.

3. Learned counsel for the petitioner(s) has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner(s) are concocted, improbable and devoid of any merit. Learned counsel has iterated that the petitioner(s) have been falsely implicated into the FIR in question. Learned counsel has further iterated that no specific injury on the vital parts of the body has been attributed to the petitioner(s). Learned counsel has further argued that no head injury has been attributed to the petitioner(s). Learned counsel has further argued that, in fact, it is a case of version and cross-version as the petitioner-side had also sustained injuries owing to which one of the member of the petitioner's family had moved a representation to the concerned SHO for conducting fair and proper investigation into the FIR in question, but till date no DDR or cross-case has been registered against the complainant-side despite them having carried deadly weapons and giving injuries to the petitioner-side.

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3.1. Learned counsel has argued that co-accused of the petitioner(s), namely, Joginder Pal @ Toti and Simranjit @ Simmu have already been granted concession of anticipatory bail by this Court, vide order dated 02.02.2026 passed in CRM-M-190-2026 and CRM-M-191-2026, respectively, whereas, Gurpreet @ Gopi (*petitioner herein*) and Kulwinder Singh @ Gyani (*petitioner herein*) have been accorded concession of interim bail, vide order dated 27.01.2026 and 30.01.2026, respectively.

3.2. Learned counsel has asserted that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Learned counsel has further asserted that nothing is to be recovered from the petitioner(s). Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner(s) are ready to join the investigation and, hence, no useful purpose would be served by sending them behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. On the other hand, learned State counsel has filed separate status report(s) by way of an affidavit dated 23.02.2026 (in CRM-M-3994-2026 and CRM-M-6872-2026). Raising submissions in tandem with the said status report, learned State counsel has opposed the grant of anticipatory bail to the petitioner(s) by arguing that the offence committed by the petitioner(s) is grave and serious in nature. Learned State counsel has iterated that there are specific and direct allegations against the petitioner(s). Relevant of status report (in CRM-M-3994-2026) *qua* petitioner (**Gurpreet @ Gopi**) reads thus:

“Injuries Attributed to Petitioner

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4. That Sunil Kumar was medico legally examined vide MLR No. JT/nrm/86/2025 dated 22.10.2025 and as per MLR he suffered three injuries and out of said injuries the petitioner has inflicted injury on Sunil Kumar on the palm of left hand with Khanda and said injury was sharp and attracts section 118(1), 109, 333, 324(4), 191(3) and 190 BNS.

5. That answering respondent has not received any representation as mentioned in Annexure P-2 annexed with present petition filed by Joginder Singh, moreover statement of Joginder Singh was recorded who stated that he has not filed any representation as annexed in present petition hence no action was taken on Annexure.

6. That petitioner has categorically stated that his aunt Sukhwinder Kaur wife of Joginder Singh has filed application bearing UID No.689154 dated 03.11.3025. It is pertinent to mention here that during enquiry of said application Sukhwinder Kaur was contacted telephonically at her mobile number 88375-15818 however said mobile was switched off.

7. That Sarpanch of village of Sukhwinder Kaur was contacted telephonically on his mobile number 86992-25154 who stated that family of Sukhwinder Kaur have indulged in quarrel with their neighbour and FIR has been registered against her husband and other accused and since then her family has gone from their house. Hence DDR no. 24 dated 17.11.2025 was entered at Police Station Nurmahal and said complaint was closed after approval from SSP Jalandhar Rural Jalandhar.

Criminal Antecedents of petitioner

8. That no other FIR is registered against petitioner.”

4.1. Relevant of status report (in CRM-M-6872-2026) qua petitioner (Mangat Ram) reads thus:

“Injuries Attributed to Petitioner and Role of Petitioner

4. That Sunil Kumar was medico legally examined vide MLR No. JT/nrm/86/2025 dated 22.10.2025 and as per MLR he suffered three injuries and out of said injuries the petitioner had inflicted injury with Kirpan on Sunil Kumar on his right hand due to which his right thumb was cut and fell on floor and said injury was sharp and said injury was declared grievous in nature thus present petition is liable to be dismissed.

5. That answering respondent has not received any representation as mentioned in Annexure P-2 annexed with present petition filed by Joginder Singh, moreover ADD statement of Joginder Singh was recorded who stated that he has not filed any representation as annexed in present petition hence no action was taken on Annexure

6. That Sukhwinder Kaur wife of Joginder Singh has filed application bearing UID No.689154 dated 03.11.3025. It is pertinent to mention here that during enquiry of said application Sukhwinder Kaur was contacted telephonically at her mobile number 88375-15818 however the said mobile was switched off.

7. That Sarpanch of village of Sukhwinder Kaur was contacted telephonically on her mobile number 86992-25154 who stated that family of Sukhwinder Kaur have indulged in an altercation with their neighbor and an FIR has been registered against her husband and the other accused and since then her family had gone from their house. Hence DDR no.24 dated 17.11.2025 was entered at Police Station Nurmahal and said complaint was closed after approval from SSP Jalandhar Rural Jalandhar.

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Criminal Antecedents of petitioner

That as per record, following FIR are registered against the petitioner.

*FIR No.70 Date 13-10-2014 U/s 451,323,506,34 IPC PS Nurmehal
Jalandhar. (Convicted on 14.03.2016).”*

4.2. Given the severity of the offence, there exists a substantial likelihood that the petitioner(s) may abscond or tamper with the evidence, if they are enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioner(s) is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. On these submissions, dismissal of the present petition is entreated for.

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

6. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in the case titled as *Sumitha Pradeep vs. Arun Kumar C.K. and another, 2022(4) RCR (Criminal) 977*, relevant whereof reads as under:

“12. In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest, as the Investigating Officer deserves freehand to take the investigation to its logical conclusion. It goes without saying that appearance before the Investigating Officer who, has been prevented from subjecting Respondent No.1 to custodial interrogation, can hardly be fruitful to find out the prima facie substance in the allegations, which are of extreme serious in nature.

XXX

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16. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or

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overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

7. As per the case put forth in the FIR in question, the occurrence took place on 22.10.2025 at about 9:00 PM when the complainant's niece was bursting crackers outside their house. The complainant had alleged that, at that time, accused Resham Lal started scolding and abusing the girl and when the complainant objected to such behaviour, the accused persons, acting in furtherance of their common intention, assembled at the spot armed with deadly weapons including *kirpan* and *khanda* and launched a violent attack upon the complainant. During the occurrence, Mangat Ram alias Mangi (*petitioner herein in CRM-M-3994-2026*) raised a *lalkara* not to spare the complainant and thereafter chased him up to his house and inflicted a *kirpan* blow which struck his right hand. When the complainant raised his hand in self-defence, the blow resulted in a grievous injury whereby his thumb was cut and amputated, causing profuse bleeding. Thereafter, Gurpreet Singh (*petitioner herein in CRM-M-6872-2026*) inflicted a *khanda* blow on the complainant's left hand. Such acts, *prima facie*, demonstrate the brutal and intentional nature of the assault carried out by the accused persons.

7.1. The involvement of other accused persons, namely, Toti, Jashan, Simmu, Giani (*petitioner herein in CRM-M-5287-2026*) and Sarabjit alias Sabi has also been specifically mentioned in the complaint, who reached the spot armed with their respective weapons and actively participated in the occurrence. Accused Giani (*petitioner herein in CRM-M-5287-2026*) inflicted a

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kirpan blow on the complainant's right hand causing injuries to his fingers, while accused Sarabjit alias Sabi inflicted a *kirpan* blow on the head of Harpreet Ram when he attempted to intervene and save the complainant, thereby causing bleeding injuries. Their participation clearly shows that the accused persons acted in furtherance of their common intention to cause serious harm.

7.2. That apart from causing grievous injuries to the complainant and other persons, the accused persons also indulged in acts of vandalism by damaging the property of the complainant. Accused Jashan and Simmu struck the tiles outside the complainant's gate with *sotas* and broke them, while accused Toti inflicted a *kirpan* blow on the gate causing damage to it. Such acts further demonstrate the violent conduct and unlawful behaviour of the accused persons.

7.3. A perusal of the status report filed by the State reveals that no representation by family member of the petitioner(s), namely, Joginder Singh was received by the police. On the other hand, a statement of said Joginder Singh was also recorded, wherein, he denied of moving any such representation. Further, indubitably, the petitioner (Mangat Ram) has no clean antecedents as he is stated to have been involved in other FIR(s).

8. The petitioner(s) have been specifically named in the FIR, and the nature of the injuries attributed to them is grave and serious reflecting the severity of the alleged act. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner(s) have been falsely implicated into the present FIR.

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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 interest(s). 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. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner(s). 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(s), as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma* [*State v. Anil Sharma*, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039], the 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

10. In view of the seriousness of the allegations, the role attributed to the petitioner(s) and his co-accused while armed with deadly weapons, carrying a violent attack upon the complainant-side and also vandalizing the property of

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the complainant, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner(s). Granting bail, at this stage, would not only undermine the administration of justice but may also embolden the accused and pose a threat to the safety and well-being of the victim and other witnesses.

In view of the gravity of the allegations, the specific role attributed to the petitioner(s), the serious nature of injuries sustained by the complainant and others and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner(s) do not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner(s) is necessary for an effective investigation & to unravel the truth. The petition(s) are, thus, devoid of merits and are hereby **dismissed**.

11. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 05, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No