



CRM-M-4029-2026

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4029-2026

Sher Singh

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 05.03.2026

Date of Uploading : 05.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sukhdeep Singh Sidhu, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

Mr. Ajit Pal Singh Pakka, Advocate for the complainant
(through video conference)

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.246 dated 15.12.2025 registered for offences punishable under Sections 118(1), 3(5) of the BNS, 2023 at Police Station Nathana, District Bathinda in which later on vide DDR No.26 dated 24.12.2025 offences under Sections 117(2) and 118(2) of the BNS were added.

2. The gravamen of the FIR, as emerge from the record, reflect that the FIR in question was registered on the statement of complainant namely Jagsir Singh son of Mander Singh. He alleged that there exists a long-standing dispute regarding joint agricultural land between the complainant party and the accused, who were close relatives. It has been further alleged that on 12.12.2025 at about 3:30 p.m., when the complainant

was returning from his fields on his tractor near the cremation ground of



CRM-M-4029-2026

2

village Lehra Sondha, at that time, the Sher Singh (petitioner herein), who was armed with a *gandasa*, along with his father Major Singh, who was armed with a *danda*, intercepted him. It has been further alleged that the petitioner had inflicted repeated blows with the *gandasa* aimed at the head of the complainant but the said blow struck the rear side of the tractor. Thereafter, the petitioner Major Singh came in front of the tractor of the complainant and asked him to stop the tractor. At that time, the petitioner Sher Singh gave a *gandasa* blow on the head of the complainant and upon his attempt to ward off the attack, the complainant raised his right hand to save himself and the said blow had struck his palm. It has been further alleged that the petitioner Sher Singh gave another blow which is alleged to have landed on the right hand and fingers. Furthermore, the petitioner Sher Singh is alleged to have inflicted third blow which hit the complainant on his left knee. When the complainant tried to get down from his tractor, the petitioner Sher Singh was alleged to have given another blow which hit the complainant on his left shoulder. On account of the aforesaid blows, the complainant fell from the tractor and at that time, the co-accused Major Singh (father of the petitioner) gave a *danda* blow on his head. On raising hue and cry, the mother of the complainant came on the spot. On seeing the people gathering on the scene of occurrence, both the accused fled from the spot alongwith their respective weapons. The complainant had alleged that the motive attributed behind the occurrence is that the complainant party had been opposing the sale of two kanals of land by the father of the petitioner. On these set of allegations, the FIR in question has been registered and investigation ensued.



3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question on account of an ongoing civil dispute between the parties who are closely related. Learned counsel has further iterated that the complainant is the cousin of the petitioner and a civil suit regarding joint agricultural land is pending between the parties. According to learned counsel, in the said suit, an ex-parte injunction in favor of the complainant party has been vacated by the Court below. It has been contended that the dismissal of the application under Order 39, Rules 1 and 2 of CPC has given rise to bitterness and the present FIR is a counterblast in order to pressurize the family of the petitioner and restrained them from alienating their share of land. It has been further submitted that there is an unexplained delay of more than 03 days in lodging the FIR as the alleged occurrence took place on 12.12.2025 whereas the FIR has been lodged on 15.12.2025. Learned counsel has emphasized that the medical evidence does not corroborate the ocular version. Moreover, the complainant has attempted to drive his tractor towards the petitioner. However, he lost balance and fell upon the cultivator attached to the tractor and sustained injuries which have been falsely attributed to the petitioner and his father. It has been further argued that the custodial interrogation of the petitioner is not required and 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.



CRM-M-4029-2026

4

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the petitioner has been specifically named in the FIR and has been attributed a direct, active role in the occurrence. According to learned State counsel, the petitioner who was armed with a *gandasa*, intercepted the complainant while he was returning from his fields & inflicted injuries on the vital parts of the body. Learned State counsel has further submitted that the custodial interrogation of the petitioner is necessary for effective investigation, recovery of the weapon and verify the sequence of events. Furthermore, in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and obstruct the recovery. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. Learned counsel appearing for the complainant has vociferously opposed the grant of bail to the petitioners and has raised submissions in tandem with the State counsel. According to learned counsel, the petitioner who was armed with a *gandasa*, gave repeated blows to the complainant. As per the opinion of the doctor, injuries Nos.1 and 4 have been declared grievous in nature. In view of the gravity of the offence, learned counsel has prayed for the dismissal of the instant petition.

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. From the perusal of the FIR *ibid*, it is evident that specific allegations of causing injuries have been leveled against the petitioner. The allegations in the



present case are not omnibus in nature but a specific and active role has been attributed to the petitioner. The petitioner is alleged to have intercepted the complainant on a public pathway and to have repeatedly attacked him with a *gandasa* (*i.e.* a sharp-edged weapon) aiming at the vital parts of the body including the head. The allegations against the petitioner are grave in nature, involving use of deadly weapon and infliction of serious injuries upon the complainant. The contention regarding civil litigation between the parties and dismissal of the injunction application cannot, at this stage, be a ground to discard the version of the prosecution. Furthermore, the argument of delay in lodging the FIR does not, in itself, suffice to discard the version of the prosecution at this preliminary stage and does not exonerate the petitioner. The occurrence is alleged to have taken place on 12.12.2025 and the FIR was registered on 15.12.2025 and the complainant is stated to have sustained injuries and was medically examined. At this stage, the delay of a few days in a case involving injuries does not *ipso facto* demolish the prosecution case. The submission that the medical report does not fully corroborate the ocular account is again a matter of appreciation of evidence. The FIR attributes multiple blows with a sharp-edged weapon and the medical record indicates sharp injury on the person of the complainant. It is also borne out from the record that the petitioner has been specifically named in the FIR and attributed the role of the main assailant holding a *gandasa* and the weapon of offence is yet to be recovered. The nature of the allegations, the manner of attack and the use of a deadly weapon indicate that custodial interrogation may be necessary for effective recovery, verification of facts and to establish the broader conspiracy, if any, behind the occurrence.



CRM-M-4029-2026

6

8. 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.”

9. Considering the nature and seriousness of the allegations, the stage of investigation and the requirement of custodial interrogation to



unearth the truth and ensure a faire investigation, 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.

10. 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

March 05, 2026
Ajay

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