

CRM-M-4977-2026

2026:PHHC:042636



209

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4977-2026

Gurwinder Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: March 18, 2026

Date of Uploading: March 18, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Karan Choudhary, Advocate for the petitioner
(presence marked through video-conferencing).

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of anticipatory bail to the petitioner, in cross case bearing G.D. No.021 dated 01.12.2025, registered under Sections 115(2), 118(1), 118(2), 3(5) of the BNS, 2023, at Police Station Chattiwind, District Amritsar, in case FIR No.0185 dated 24.11.2025, under Sections 115(2), 117(2), 3(5) of the BNS, 2023 and Sections 25/ 27/ 54/ 59 of the Arms Act, 1959, at Police Station Chattiwind, District Amritsar.

2. The gravamen of allegations against the petitioner is that in the cross-case in question, it has been alleged by the complainant, namely, Rupinder Kaur that the petitioner having armed with *datar*, hit on the eye brow of left eye of Kawaljeet Singh.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that it is a case of version and cross-version. Learned counsel has submitted that, in fact, the petitioner and his father had received multiple grievous injuries.

3.1. Learned counsel asserts 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 asserted that nothing is to be recovered from the petitioner. 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 is ready to join the investigation and, hence, no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that there are specific and direct allegations against the petitioner. The petitioner was specifically named in the cross-case. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he

is enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioner 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. As per the prosecution case, grave and serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution and upon perusal of the impugned order, it is borne out that the petitioner, armed with a *datar* (a sharp-edged weapon), inflicted a blow on the eyebrow of the left eye of the victim, namely, Kawaljeet Singh. The nature of the weapon used and the targeted part of the body unequivocally demonstrate the petitioner's intention to cause grievous injury. *Prima facie*, the assault was not a spontaneous or trivial act but a deliberate and violent attack with a dangerous weapon on a vital and sensitive part of the body. The custodial interrogation of the petitioner is necessary to ascertain the full sequence of events, the motive behind the attack, and to recover the weapon used in the commission of the offence.

7. The petitioner has been specifically named in the cross-version, and the nature of the injury attributed to him reflects 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 has been falsely implicated into the present FIR.

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 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. 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 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.”

8.1. Keeping in view the factual *milieu* of the case in hand; especially, in view of the gravity of the allegations, specific role attributed to

CRM-M-4977-2026

the petitioner, grievous nature of injury, recovery of weapon is yet to be effected and apprehension of the petitioner absconding from the process of justice as also interfere with the prosecution witnesses; this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 18, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No