

2026:PHHC:039212



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

108

CRM-M-10899-2026

Lakhvir Singh @ Khira @ Khira Kothe

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 13.03.2026**Date of Uploading : 13.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Ramandeep Kaur Brar, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

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.361 dated 04.12.2025 registered for offences punishable under Sections 115(2), 126(2), 351(2), 191(3), 190 and 109 of BNS, 2023 at Police Station Division No.5, District Ludhiana.

2. The gravamen of the prosecution case, as emerging from the FIR, is that the complainant Gurmail Singh, who is engaged in the business of finance, had an ongoing dispute with Gulshan Kumar and his associates since the year 2022 and both sides were already facing trial in another criminal case. It has been alleged that on 04.12.2025, the complainant along with his companions namely Baljit Singh and Gobind Singh had come to the District Courts Complex, Ludhiana to attend the hearing of the said case. At about 11:30 AM, when the complainant attempted to enter the Court premises, accused Gulshan Kumar @ Sheru along with several associates

including the present petitioner assembled there while armed with iron

bracelets (karras) and sharp-edged weapons. The complainant has further alleged that the accused Gulshan Kumar exhorted the group not to allow the complainant to enter the Court premises and threatened to kill him. It has been further alleged that the accused Gulshan Kumar gave a blow on the head of the complainant with a *karra* while the remaining accused persons including the petitioner joined the assault and inflicted injuries upon him by sharp edged weapons. When the associates of the complainant namely Baljit Singh and Gobind Singh tried to intervene, they were also allegedly attacked by the petitioner and other co-accused, resulting in injuries to them as well. 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 present FIR is a gross abuse of the process of law and has been lodged with *mala fide* intention only to harass the petitioner. Learned counsel has further iterated that the incident was a result of a sudden clash between two rival groups who were already involved in litigation against each other and there are allegations from both sides regarding assault. It has been further contended that no specific overt act has been attributed to the petitioner in the FIR and his name has been included only because of prior enmity between the parties. It has been further contended that the alleged day of occurrence, the petitioner has not even appeared in the Court as his counsel has filed an exemption application on medical grounds which has been allowed by the Court below which shows that the petitioner was not present at the place of occurrence. Learned counsel has further submitted that despite there being no direct or indirect involvement of the petitioner in the alleged occurrence, he has been roped into the present case without any credible evidence. Learned counsel has further submitted that there is no

need for custodial interrogation of the petitioner as nothing 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 petition in hand by arguing that the allegations against the petitioner are serious in nature. Learned State counsel has iterated that the petitioner was part of the unlawful assembly which attacked the complainant party inside the Court complex. It has been further argued that during the course of investigation, co-accused Harmandeep Singh and Jashanpreet Singh in their disclosure statements has specifically named the petitioner as one of the assailants who participated in the assault. Learned State counsel has emphasized that the CCTV footage installed near the place of occurrence has been obtained during investigation and the complainant has identified the petitioner in the footage as being present at the spot at the relevant time. According to the learned State counsel, this material corroborates the prosecution version regarding the presence and involvement of the petitioner. Learned State counsel has further pointed out that the petitioner is involved in other criminal cases, including one under Section 307 IPC and offences under the Arms Act, which shows his criminal antecedents. Considering the nature of allegations, the custodial interrogation of the petitioner is necessary. Accordingly, a prayer has been made for the dismissal of the instant petition.

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.

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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 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, indubitably, serious allegations have been levelled against the petitioner. The allegations in the present case pertain to a violent incident that allegedly took place within the boundaries of the District Courts Complex, Ludhiana. The FIR attributes a collective assault by a group of accused persons armed with iron karras and sharp edged weapons upon the complainant and his companions. The

allegations levelled in the FIR reflect that the attack was being carried out with a pre-meditated intention to prevent the complainant from entering the Court and to cause injuries to him and his associates. As regards the role attributed to the petitioner, the FIR as well as the reply filed by the State indicates that the petitioner was allegedly present at the spot along with other accused persons and actively participated in the assault upon Baljit Singh and Gobind Singh when they attempted to rescue the complainant. The prosecution has further relied upon the disclosure statement(s) of co-accused persons recorded during the course of investigation wherein the petitioner has been specifically named as one of the assailants. Furthermore, the CCTV footage obtained from the vicinity of the place of occurrence has shown the presence of the petitioner at the Court complex at the relevant time which has been duly identified by the complainant. At this stage of consideration of anticipatory bail, this Court is not required to conduct a detailed examination of the evidence or record a conclusive finding regarding the guilt or innocence of the accused. However, the nature of allegations, the role attributed to the accused and the material collected during the course of investigation are the relevant factors while considering the prayer for grant of anticipatory bail.

8. In the instant case, the allegation against the petitioner is that he has participated in a group assault causing injuries to multiple persons. The investigation is stated to have revealed corroborative material including disclosure statements of co-accused as also the CCTV footage indicating the presence of the petitioner at the spot. The plea raised by the petitioner that he has obtained exemption from personal appearance in the earlier case on medical grounds would be a matter to be examined during the course of trial. Furthermore, the record reflects that the petitioner has also been

involved in other criminal cases including offences under Section 307 IPC and the Arms Act. In the considered opinion of this Court, though mere involvement in other cases cannot be the sole ground to deny bail but it is a relevant circumstance while assessing the overall conduct and antecedents of the accused. The nomination of the petitioner is not based on mere suspicion but is supported by corroborative medical evidence and eyewitness testimony. No plausible cause has been shown at this stage from which it can be inferred that the petitioner has been falsely implicated into the FIR in question.

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. 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

10. In view of the nature as also seriousness of allegations, the role attributed to the petitioner in the occurrence, the stage of investigation and the material collected by the investigating agency indicating his presence at the spot, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail.

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

March 13, 2026
Ajay

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