

2026:PHHC:040632



119
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-7833-2026

Nishan Singh and another
versus
State of Punjab
....Petitioners
....Respondent

Date of Decision: March 16, 2026
Date of Uploading: March 16, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. B.S. Bhalla, Advocate for the petitioners.
Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (Oral)

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 petitioners, in case bearing DDR
No.23 dated 16.05.2024, registered under Sections 324/ 323/ 506/ 148/ 149 of
the IPC (Section 326 of IPC added later on), at Police Station Ajnala, District
Amritsar, in case FIR No.82 dated 14.05.2024, registered under Sections 302/
307/ 324/ 323/ 506/ 427/ 148/ 149 of IPC, at Police Station Ajnala, District
Amritsar.

2. The gravamen of the allegations against the petitioners is that in
the cross-version, i.e., GD in question, Boota Singh son of Darshan Singh
alleged that on 11.05.2024, at about 8:00–8:30 P.M., he along with Gurmeet
Singh son of Sardara Singh was returning to village Ballarhwal on a tractor
make Sonalika, which he himself was driving. On the way, another Sonalika

tractor was seen approaching from the opposite direction and the driver of that tractor collided with their tractor. The said tractor was allegedly being driven by Balwinder Singh son of Puran Singh, and Punan Singh son of Dhanna Singh (empty handed), Nishan Singh (*petitioner No.1 herein*) armed with a *datar*, Ranjit Singh (*petitioner No.2 herein*) armed with a *datar*, and Puran Singh armed with a *datar* were sitting on it. It is further alleged that Punan Singh raised a *lalkara*, exhorting the others to catch hold of Gurmeet Singh and teach him a lesson for abusing him earlier. Thereafter, Punan Singh allegedly took a pistol from Balwinder Singh and fired a shot in the air. When Boota Singh and Gurmeet Singh tried to run away after getting down from the tractor, Mukha Singh armed with a *datar*, Joginder Singh armed with a *dang*, Nanak Singh armed with a *sotta*, Dhanna Singh, and about 10–12 other unidentified persons, who were empty handed, also reached the spot. During the occurrence, Nishan Singh (*petitioner No.1 herein*) gave a *datar* blow to Gurmeet Singh, which hit him on his right wrist. Thereafter, Ranjit Singh (*petitioner No.2 herein*) gave another *datar* blow, which struck Gurmeet Singh on the back side of his left hand. Mukha Singh then allegedly inflicted a *datar* blow on the right shoulder of Gurmeet Singh, followed by Puran Singh, who gave a *datar* blow on the calf of his right leg. In the meantime, Boota Singh fell on the ground, and Joginder Singh allegedly gave a *dang* blow on the chest of Gurmeet Singh. When Boota Singh attempted to rescue Gurmeet Singh from the alleged assault, Puran Singh allegedly fired a shot from his pistol, which struck Boota Singh on his right thigh, causing him to fall on the ground. Nanak Singh also allegedly gave a *sotta* blow on his back. Upon this, they raised an alarm which attracted Jagir Singh, Mukhtar Singh and Jagtar Singh to the spot, whereafter the alleged assailants fled from the place of occurrence along with their respective weapons.

3. Learned counsel for the petitioners has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioners are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioners have been falsely implicated into the FIR in question. Learned counsel has further iterated that it is a case of version and cross-version. Learned counsel has further argued that the injuries attributed to the petitioners are on non-vital part of the body. Learned counsel has argued that injured has been discharged from the hospital. Learned counsel has further argued that there is an unexplained delay in lodging the GD in question.

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 petitioners. 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 petitioners 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. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioners by arguing that the offence committed by the petitioners is serious in nature. Learned State counsel has iterated that there are specific and direct allegations against the petitioners. Given the severity of the offence and no clean antecedents, there exists a substantial likelihood that the petitioners may abscond or tamper with the evidence, if they are enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioners 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 case put forth in the FIR in question, indubitably, grave and serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, it *prima facie* emerges that the petitioners, along with other co-accused, formed an unlawful assembly and were armed with deadly weapons such as *datars*, *dangs*, and *sotta*, and thereafter attacked Gurmeet Singh and Boota Singh. The allegations in the cross-version specifically attribute active and specific roles to the accused persons in inflicting injuries upon the victims. As per the allegations, petitioner No.1 – Nishan Singh and petitioner No.2 – Ranjit Singh were armed with deadly weapons, namely *datars*, and actively participated in the assault upon the injured Gurmeet Singh. It is specifically alleged that petitioner No.1 – Nishan Singh inflicted a *datar* blow on the right wrist of Gurmeet Singh, while petitioner No.2 – Ranjit Singh also inflicted a *datar* blow on the back side of the left hand of the injured. As per prosecution case, the allegations against the petitioners are supported by the specific attribution of injuries caused by them with sharp-edged weapons, which *prima facie* establishes their direct involvement in the occurrence. The nature of the allegations clearly shows the active role and participation of both the petitioners in the commission of the alleged offence. The gravity of the allegations and the manner in which the assault was carried out demonstrate the serious nature of the offence.

6.1. The petitioners have been specifically named in the FIR, and the nature of the injuries attributed to the petitioners and co-accused is 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 petitioners have been falsely implicated into the present FIR.

7. 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 petitioners. 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. In view of the seriousness of the allegations, the role attributed to the petitioners and co-accused, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioners. 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. Further, in view of the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioners do not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioners 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 16, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No