

2026:PHHC:033538



122

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-10203-2026**

Sarabjeet Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: March 05, 2026**Date of Uploading: March 05, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Ritesh Aggarwal, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG 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 petitioner, in case bearing FIR
No.06 dated 14.01.2026, registered for the offences punishable under
Sections 118, 118(2), 126(2) and 3(5) of the BNS Act, 2023, at Police
Station Bhadson, District Patiala.

2. The gravamen of the allegations against the petitioner is that
complainant, namely, Karanvir Singh, stated that on 11.11.2025 at about
7:30 PM, he was proceeding towards his village on foot. He alleged that
when he reached near the pond of village Ware, Harjinder Singh along with

his son Mithu arrived there on a tractor and stopped the tractor in front of the complainant. Both of them alighted from the tractor.

In the meantime, Sarabjeet Singh (*petitioner herein*), along with his son Rajwant Singh, reached the spot in their car. Thereafter, Rajwant Singh inflicted a stick blow on the back of the complainant, while Harjinder Singh gave a *tangli* blow on his thighs. Subsequently, Sarabjeet Singh (*petitioner herein*) attempted to attack the complainant with a sword, aiming at his shoulder. However, the complainant raised his right hand in self-defence, due to which the sword struck the nail of the little finger of his right hand, resulting in an injury from which blood started oozing out. After causing the injuries, all the accused persons fled away from the spot.

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 the petitioner has been falsely implicated into the FIR in question due to some party fraction, and, even as per respectable persons of the village, no such fight or incident had taken place between the parties. Learned counsel has argued that the complainant got the FIR in question registered against the petitioner on the basis of a false and concocted story and that the injuries sustained by the injured, Karanvir Singh, were self-inflicted.

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 filed reply by way of an affidavit dated 04.03.2026, in the Court today, which is taken on record. Raising submissions in tandem with the said reply, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has iterated that there are specific and direct allegations against the petitioner. The complainant has specifically named the petitioner alongwith his co-accused of giving serious injuries to the complainant. 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 case put forth in the FIR in question, there are serious and specific allegations levelled against the petitioner. Accordingly to the complainant, the accused persons, acting in furtherance of their common intention, intentionally restrained him on the way and thereafter launched a violent assault upon him. During the said occurrence, Harjinder Singh along with his son – Mithu arrived on a tractor and stopped it in front

of the complainant, thereby blocking his way. Soon thereafter, the petitioner along with his son – Rajwant Singh reached the spot in their car. The accused persons thereafter started attacking the complainant. Rajwant Singh inflicted a stick blow on the back of the complainant while Harjinder Singh gave a *tangli* blow on his thighs, thereby causing injuries. The petitioner attempted to attack the complainant with a sword with the intention to cause serious injury. The complainant, in order to save himself, raised his right hand in self-defence and the sword blow struck the nail of the little finger of his right hand, causing a bleeding injury. The act of attacking the complainant with a deadly weapon like a sword reflects violent conduct and criminal intention of the petitioner. That the manner in which the accused persons jointly intercepted the complainant on the way and assaulted him with weapons, *prima facie*, shows that the occurrence was not a sudden quarrel but a deliberate and premeditated act. The accused persons fled from the spot only after causing injuries to the complainant.

6.1. The petitioner has been specifically named in the FIR, and the nature of the injuries attributed to him is serious reflecting the severity of the alleged act. No cause *may* 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.

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 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* [*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.”

7.1. In view of the seriousness of the allegations, the role attributed to the petitioner and his co-accused while armed with weapons, carrying a violent attack upon the complainant, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. 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, the nature of injuries sustained by the complainant, and the necessity of custodial interrogation for a fair and

thorough investigation, 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**.

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

9. 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