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

CRM-M-14623-2026

Sulakhan Singh @ Neta

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: April 20, 2026**Date of Uploading: April 20, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Ranwant Singh Sangha, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, 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.110 dated 15.10.2025 registered under Sections 115(2), 118(1), 118(2), 190 and 191(3) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Samalsar, District Moga.

2. The gravamen of the FIR in question reflects that the FIR in question was registered on the basis of a complaint filed by the complainant—Gurmeet Singh, who in his complaint has stated that on 13.10.2025 at about 8:00 AM he was present in his house and upon being informed about a quarrel in the street, came outside where he saw the petitioner armed with a sword, along with co-accused namely Gurwinder Singh @ Bhutto (armed with sword), Harwinder Singh @ Boos (armed with stick), Harjeet Singh @ Jeet (armed with stick), Lovepreet Singh @ Fali (armed with sword), and others including Mani, Arshdeep Singh and Jagsir

Singh, some of whom were empty-handed, all assembled together. He has further alleged that the co-accused raised a *lalkara* that the complainant should not be spared and be killed. Thereafter, the petitioner (herein) gave a sword blow on the complainant which hit his fingers, *whereas* co-accused Gurwinder Singh @ Bhutto inflicted another blow on his arm, due to this he fell on the ground. Then, the remaining co-accused including Harwinder Singh @ Boos and Harjeet Singh @ Jeet caused further injuries with their respective weapons on different parts of his body. Upon raising alarm, the complainant's brother namely Vikramjit Singh reached the spot to rescue him, but he was also assaulted by the accused persons and sustained injuries. It is further alleged that the sister-in-law of the complainant, who came to intervene, was also misbehaved with, her clothes were torn and she was pushed by the accused persons. When they raised hue and cry, all the accused fled away from the spot along with their respective weapons. Upon these set of allegations, the present FIR came to be registered against the accused persons.

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 prior village rivalry. It is submitted that there is an unexplained delay of about two days in lodging the FIR. Learned counsel further submits that other co-accused, who have been attributed similar or even more serious roles, have already been granted the concession of bail and the petitioner is also entitled for grant of anticipatory bail on the ground of parity.

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 petition in hand by arguing that the petitioner is specifically named in the FIR and has been attributed an exclusive and active role of inflicting injuries with a sharp-edged weapon (sword). Learned State counsel has further argued that the allegations are grave in nature involving formation of unlawful assembly and causing grievous injuries to the complainant and his brother & sister-in-law. The petitioner is alleged to have inflicted a sword blow on the complainant, which resulted in injuries to the little finger and ring finger of his left hand. It is further submitted that the weapons of offence are yet to be recovered and custodial interrogation of the petitioner is necessary for effective investigation. 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, 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 petitioner and his co-accused were armed with deadly weapons, resulting in causing injuries to the complainant side. It is also not in dispute that the petitioner has not joined investigation since registration of the FIR. The petitioner is alleged to be one of the principal assailants armed with a deadly weapon i.e. sword. As per the case of the prosecution, the petitioner has inflicted injury on the little finger as well as on the ring finger of the complainant by a sharp-edged weapon (sword). The injuries have been declared to be grievous in nature. The plea of parity with co-accused does not merit acceptance, since grant of bail to other accused does not entitle the petitioner to anticipatory bail, especially keeping in view his role and the nature of allegations against him are specific.

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.

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 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. 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.”

8. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. 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

April 20, 2026
Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No