



114

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

CRM-M-16836-2026

Arshdeep Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: March 30, 2026**Date of Uploading: April 01, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mrs. Jaishree Kaushik, Advocate for
Mr. Amit Kumar Walia, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of BharatiyaNagarik 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. 246 dated 19.10.2024 registered under Sections 109, 126(2), 115(2) 351(2), 324(4), 191(3), 190 (Section 238 added later on) of the Bharatiya Nyaya Sanhita 2023, at Police Station Bhawanigarh, District Sangrur.

2. The gravamen of the present FIR reflects that the present FIR was registered on the basis of a complaint made by the complainant-Amaninder Singh, who in his statement has alleged that on 17.10.2024 at about 03:15 PM, when he along with Rajvir Singh, Gurinder Singh and Satnam Singh was travelling in a car near the bridge of Bharat Mala Road in the area of Jhaneri, the accused persons, namely Gurcharanpreet Singh,

Vicky, Happy (son of Inderjit Singh), Amritpal Singh, Happy (son of unknown), Manpreet Singh @ Kotha and 4–5 unknown persons, in furtherance of their common intention and due to a prior grudge, formed an unlawful assembly and intercepted their vehicle. It is alleged that the accused persons, armed with deadly weapons such as iron rods, iron pipes and a wooden baseball bat, wrongfully restrained them, smashed the windowpanes of their car and caused damage to the vehicle, and thereafter launched a violent assault with an intention to kill. Manpreet Singh @ Kotha allegedly inflicted repeated blows with an iron pipe and rod on the head and face of Rajvir Singh, causing bleeding injuries. Amritpal Singh and others allegedly assaulted the complainant with a baseball bat and other weapons, dragged him out of the car and inflicted injuries on his person. The complainant has further alleged that upon gathering of public persons, the accused persons fled from the spot along with their respective weapons. Thereafter, the injured persons were shifted to Civil Hospital, Bhawanigarh and from where further referred to Civil Hospital, Sangrur for further treatment. The occurrence in question, as per the complainant, is a consequence of an earlier altercation on the same day between Rajvir Singh and Gurcharanpreet Singh, on account of which the accused, in connivance with each other, inflicted the injuries upon the complainant -side. 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. Learned counsel has iterated that the petitioner has no role in the

present FIR. He has further contended that the petitioner has been subsequently nominated on the basis of a supplementary statement made by Gurinder Singh friend of the complainant. It is further contended that no specific injury has been attributed to the petitioner. Learned counsel has also contended that co-accused have already been granted concession of bail and on the ground of parity the petitioner is also entitled for the concession of anticipatory bail.

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 the offence committed by the petitioners is serious in nature. Learned State counsel has iterated that there are specific and direct allegations against the petitioner. The petitioner has been specifically named during investigation, as earlier the petitioner was referred to as “Happy”, and that he was part of the unlawful assembly which carried out the brutal attack. It is further submitted that the nature of allegations is grave, involving an armed assault with intent to kill the complainant, and the investigation is still at a crucial stage. Given the severity of the offence, there exists a substantial likelihood that the petitioners may abscond or tamper with the evidence, if he 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 of dragging the injured-Rajvir Singh out of the car. As per the version put forth by the prosecution, it *prima facie* emerges that the petitioner and other accused persons formed unlawful assembly and were armed with deadly weapons such as baseball bats and iron rods, and thereafter attacked upon the complainant. As per the prosecution's case, the video recordings and photographs clearly depict the brutality shown by the accused persons while inflicting injuries upon the complainant, including the injury on the head. As per the Medico-Legal Report (MLR) of injured Rajvir Singh, he sustained four injuries, all of which were caused by blunt weapons and were opined to be simple in nature. Similarly, the MLR of injured Amninder Singh reflects that he sustained five injuries, all caused by blunt weapons and likewise declared to be simple in nature.

6.1. Though the petitioner was not named in the FIR initially, his identity has been disclosed during investigation. The material on record, including the statement recorded subsequently, *prima facie* connects the petitioner with the offence in question. The plea of parity with co-accused does not help the petitioner at this stage, as bail granted to others cannot be the only ground for granting the petitioner the relief of anticipatory bail,

especially when the role to the petitioner and the stage of investigation has to be considered separately.

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

March 30, 2026
Naveen

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