



CRM-M-18118-2025

-1-

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

CRM-M-18118-2025
Decided on: 02.04.2026

Gurpyar Singh Maan

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: None for the petitioner.
Mr.K.D.Sachdeva, DAG, Punjab.
Mr. P.K.S. Phoolka, Advocate for
the complainant.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.42 dated 04.03.2025, registered under Sections 110, 126(2), 115(2), 191(3), 190, 324(4) of BNS, 2023, at Police Station Sadar Bathinda, District Bathinda.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant Samandeep Singh. It was alleged that on 27.02.2025 complainant alongwith his friend Daljit Singh went on his motorcycle make Splendor bearing registration No. PB-11-U-5102 to the college, the time was about 9:00 a.m. At about 1:00 p.m his friend Daljit Singh received a whatsapp call from one Mani that they want to resolve the issue during the fight between the boys on the event of a fest and after that he disconnected the phone. Complainant further alleged that Mani and Rohit Sharma both are residents of Rampura and they met them on the event of vibgyor (fest). In the evening after the college at about 4:20



CRM-M-18118-2025

-2-

pm, they were waiting for their friend Takdir Singh outside the college and thereafter they went from college to Village Jhumba. When they reached near Village Balluana, a Verna car bearing registration No. PB-03-BQ-9620 stopped them and Ciaz car bearing registration No. HR-35K-7363 hit their motorcycle. They fell down and then Mani who was armed with a *kirpan* and Rahul Sharma who was armed with a rod alongwith 7-8 unknown persons with muffled faces, armed with rod and sticks encircled them. Thereafter, Mani started abusing the complainant and Rohit Sharma attacked Daljit Singh with *kirpan* which hit on his left hand and Mani attacked Daljit Singh with Rod which hit on right elbow. After that Mani again attacked Daljit Singh with Rod which hit on his right fingers and Daljit Singh fell on the ground and the unknown persons also attacked Daljit Singh with rod and sticks which hit on his legs and Rohit Sharma attacked with *kirpan* on Daljit Singh with intention to kill him, the kirpan hit on his head. When complainant tried to rescue Daljit Singh, then Rohit Sharma attacked the complainant with rod which hit on his left arm. The unknown persons also attacked complainant with rods and sticks which hit on his face, right shoulder as well as backside of his shoulder. Thereafter, on raising alarm, passersby started gathering there and all the assailants fled away from the spot alongwith their respective weapons. The injured were shifted to the Hospital. Motive behind the occurrence was a fight took place between the boys at the day of college fest and Daljit Singh tried to stop them. Thus, request was made to take legal action against the accused persons. On the registration of the FIR, the investigation commenced.



CRM-M-18118-2025

-3-

During investigation, complicity of the petitioner was surfaced and he was arrayed as an accused vide DDR No.32 dated 05.03.2025. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Bathinda praying for grant of anticipatory bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 20.03.2025. Hence, the petitioner has approached this Court praying for grant of anticipatory bail by way of filing the present petition

3. Vide orders dated 07.11.2025 and 27.03.2026, the petitioner was directed to join the investigation. However, despite being granted a last opportunity by this Court, he has failed to comply with the said directions and has not joined the investigation. Today, an adjournment slip has been moved on behalf of learned counsel for the petitioner, which is hereby declined.

4. Supplementary status report by way of affidavit of Harvinder Singh, PPS, Deputy Superintendent of Police, Rural, Bathinda has already been filed.

Learned State counsel has submitted that during the investigation, it was found that Gurpyar Singh, Jashandeep Singh and Rosha were out of 7-8 persons, who were accompanied with the main accused, namely, Mani and Rohit Sharma and they were arrayed an accused vide DDR No.32 dated 05.03.2025. He submits that there were two injured in the present case and one of the injured, namely Daljit Singh specifically named the petitioner as the person who caused injury on his knee, which was opined to be grievous in nature. He submits that in the facts and



CRM-M-18118-2025

-4-

circumstances of the present case, custodial interrogation of the petitioner is required. He, thus, submits that the present petition deserves to be dismissed.

5. Learned counsel for the complainant has vehemently submitted that the petitioner was the part of the unlawful assembly, who alongwith the other co-accused caused grievous injury to the complainant as well as Daljit Singh. He, thus, prays for dismissal of the present petition.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance. At the outset, it is evident that the occurrence in question involves a premeditated attack by a group of assailants armed with deadly weapons, resulting in multiple injuries to the victims. The allegations are serious in nature and cannot be brushed aside at this stage. Though the petitioner was not named in the FIR, his involvement surfaced during the course of investigation and he has been specifically attributed a role by one of the injured witnesses. It is settled law that non-naming in the FIR is not, by itself, a ground to grant anticipatory bail when subsequent material indicates involvement. As stated before this Court, the complainant suffered five injuries, whereas injured Daljit Singh suffered six injuries and the nature of injuries, including one opined to be grievous, and the manner in which the offence is alleged to have been committed, *prima facie* indicate the seriousness of the offence. Moreover, considering that the petitioner was part of an unlawful assembly and the investigation is still at a crucial stage, custodial interrogation would be necessary to unearth the complete chain of events, identify other co-accused, and recover the weapons used in the commission of the offence.



7. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

8. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous



advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he 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 task of disintering offences would not conduct themselves as offenders.”

9. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this

Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in her favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

02.04.2026			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No