

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:069673



216

CRM-M-21687-2026 (O&M)

Date of decision:05.05.2026

Gurteshwar Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Lupil Gupta, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case arising out of FIR No.18, dated 28.02.2025, registered under Sections 333, 118, 115(2), 3(5) of the BNS (offences under Sections 118(2) and 333 of the BNS were deleted and 238 of the BNS was added lateron), at Police Station Khui Khera, District Fazilka.

2. The aforementioned FIR has been registered on the basis of statement recorded by complainant – Manpreet Singh, alleging therein that on the evening of 26.02.2025, he along with his father was entering into his house and on hearing some noises, he turned back and found that accused Pawandeep Singh, who was armed with a *kappa* had entered into his house.

He hurled abuses to the complainant and opened an assault by hitting him with his weapon. The complainant had fallen down. Accused Pawandeep Singh then made an exhortation calling upon his accomplices to come inside. Thereafter, the petitioner along with co-accused Gurlab Singh @ Gurlabh Singh entered inside the house of the complainant being armed with weapons. Accused Gurlab Singh @ Gurlabh Singh pushed the father of the complainant and then the petitioner struck a blow with a *gandasi*, thereby injuring the left finger of the complainant. Accused Gurlab Singh @ Gurlabh Singh gave punch blows on his right eye. Thereafter, all of them started kicking them. On clamour being raised by father of the complainant, several persons reached there and then the assailants fled away.

3. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail, which was dismissed by the Court of learned Sessions Judge, Fazilka vide order dated 10.04.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The offences under Sections 118(2) and 333 of the BNS have been deleted during the course of investigation. He had been extended benefit of interim bail by the learned trial Court and had even joined investigation but his bail application was subsequently dismissed due to the reason that bail application of co-accused Gurlab Singh @ Gurlabh Singh had also been dismissed. The subject offences are triable by the Magistrate. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, thus, urged that the petition deserves to be allowed.

5. Per contra, learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner along with co-accused is alleged to have voluntarily caused injuries to the complainant and his father. The offences under Sections 118(2) and 333 of the BNS have been deleted during the course of investigation. Learned State counsel has submitted that injuries No.1 and 2 have been attributed to the petitioner, however, it has not been denied that no grievous injury is so far opined to have been sustained by either of the victims. Given the nature of the offence alleged to have been committed by the petitioner, the part attributed to him, the nature of injuries sustained by the victims and the attendant facts and circumstances, this Court is of the considered opinion that no case for pre-trial incarceration of the petitioner is made out. It is well settled proposition of law that pre-trial incarceration should not be a replica of post conviction sentencing. In view of the above discussed facts, a case is made out for grant of pre-arrest bail to the petitioner. Accordingly the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrender before the **Investigating Officer** within a period of 10 days from the date of receipt of a certified copy of this order and on his surrender within that period, he shall be released on bail by the **Investigating Officer** on furnishing personal as well surety bonds to his satisfaction and subject to following conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the

investigating officer/arresting officer as and when required.

(ii) he 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/her from disclosing such facts to the Court or to any Police Officer.

(iii) he shall not commit any similar offence while on bail.

8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

05.05.2026

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE