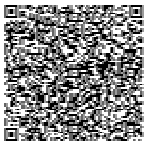


2026:PHHC:060006



108
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-21580-2026

Surjit Singh
....Petitioner
versus
State of Punjab
....Respondent

Date of Decision: April 21, 2026
Date of Uploading: April 21, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Navjot Kaur, Advocate and
Mr. Divyam Verma, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Vipul Aggarwal, Advocate for the complainant.

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’)
(Section 438 of the Cr. P.C.) for grant of anticipatory bail to the petitioner, in
case bearing FIR No.137 dated 05.12.2025, registered for the offences
punishable under Sections 109, 126(2), 191(3), 190 and 61(2) of the BNS, 2023
and Sections 25 & 27 of the Arms Act, 1959, at Police Station Bhindi Saidan,
District Amritsar Rural.

2. The gravamen of the allegations against the petitioner is that the
complainant, namely, Lakhwinder Singh @ Lakha stated that on 05.12.2025 at
about 9:00–9:15 AM, the complainant, along with Bhajanjit Singh and other
supporters, was on the way to the house of Billa Singh when they were

surrounded by Satnam Singh (armed with a pistol) and several others, all armed with pistols, *datars*, and other sharp-edged weapons, along with 25–30 unidentified persons. Satnam Singh allegedly opened fire with intent to kill, injuring Gopi Singh and Bhajanjit Singh. Thereafter, other assailants attacked the complainant and his companions with sharp weapons, causing injuries to several persons including the complainant, Billa Singh, Harman Singh, and Surinder Singh. Upon hearing the commotion, police reached the spot and fired in the air to disperse the crowd, after which the attackers fled. All the named accused, along with others including Surjit Singh (*petitioner herein*), Sukh Sarkaria, and Dilraj Sarkaria, are alleged to have wrongfully restrained and attacked the complainant party with deadly weapons.

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. Learned counsel has further iterated that the petitioner was not, in fact, present at the spot as, the petitioner was admitted in the hospital in the evening on 04.12.2025 upon his getting injured in a quarrel that occurred between the parties at the time of filing of nomination papers, in connection with the Zila Parishad and Block Samiti elections. The petitioner was discharged from the hospital on the next day, i.e., 05.12.2025 at around 10:00 A.M., whereas, the incident had happened at 09:00 A.M. Thus, the involvement of the petitioner in the commission of offence in question is doubtful. Learned counsel has submitted that the only allegation leveled against the petitioner is that at the instance of the petitioner, other co-accused inflicted injuries upon the complainant-side. Learned counsel has submitted that on the statement of Lakhwinder Singh, a cross-case has also been registered against the complainant.

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 petitioner is serious in nature. Learned State counsel has iterated that the petitioner along with his co-accused has given serious injuries to the complainant-side. It has been stated that the injury attributed to the petitioner is with *datar* on the head of Billa Singh and the same has been declared as dangerous to life. Learned State counsel has further submitted that pursuant to the order passed by the learned Sessions Judge, on 11.02.2026, the petitioner had joined investigation, but had not cooperated therein and had failed to get the weapon of offence recovered. 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.

4.1. Learned counsel for the complainant, while raising submissions in tandem with the submissions of learned State counsel, has also vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the

allegations leveled against the petitioner are serious and grave in nature. Learned counsel has submitted that the petitioner along with his co-accused had opened attack on the complainant-side with deadly weapons, and the petitioner had given *datar* blow to Billa Singh on his head, and the said injury has been declared as dangerous to life. Learned counsel has argued that apart from this, the petitioner had also given grievous injuries with *datar* on the head of Surinder Singh Fauji. Learned counsel has submitted that, in case, the petitioner is granted the concession of anticipatory bail, there is all likelihood that the petitioner may abscond from the process of justice as also interfere/ intimidate the prosecution witnesses/ evidence. On the strength of these submissions, dismissal of the petition in hand 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 prosecution case and upon perusal of the order dated 05.03.2026 passed by the Court below whereby anticipatory bail of the petitioner was rejected, it is borne out that allegations against the petitioner are grave and serious in nature, involving his active participation in an unlawful assembly armed with deadly weapons, which resulted in a brutal and premeditated attack on the complainant party. As per the investigation, the petitioner specifically inflicted a dangerous head injury on Billa Singh, which has been declared life-threatening, causing an incised wound on the left temporoparietal region and rendering the victim aphasic, with uncertain prospects of recovery. He is also alleged to have caused grievous injuries with a sharp-edged weapon (*datar*) to another victim, Surinder Singh Fauji. Despite joining the investigation pursuant to directions of the Court below, the petitioner had failed to cooperate and had not facilitated the recovery of the weapon of offence, thereby hampering the investigation.

7. 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.

8. 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, (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.”

8.1. In view of the seriousness of the allegations, the role attributed to the petitioner and his co-accused while armed with deadly weapons, carrying a

violent attack upon the complainant-side, 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 above, 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**.

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 21, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No