

2026:PHHC:070726



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

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CRM-M-21445-2026

Date of decision: 6th May, 2026

Rajinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gurbir Singh Dhillon, Advocate for the petitioner.
Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

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 bearing FIR No. 32 dated 08.03.2026 registered under Sections 115(2), 118(1), 296, 351(3), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Jodhan, District Ludhiana.

2. As per the allegations, on 06.03.2026, Beant Singh son of complainant-Paramjit Kaur had gone to attend *Jaago* function in his own village, whereas the complainant along with her husband was present at her house. On the same night, on hearing the sounds of knocking on the main gate and some loud noises, she along with her husband came outside and found that the petitioner, who is residing in her neighborhood along with co-accused Balwant Singh, Daljit Singh, Inderjit Singh, Harpreet Singh and Jashandeep Singh was standing there. On seeing the complainant and her husband, they

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started hurling abuses to them. The complainant informed about the entire incident to her son on phone, who reached there along with one Rajpal Singh. The petitioner and co-accused, who were armed with weapons, opened an assault upon her son and herself. The petitioner firstly pushed her due to which she had fallen, then he inflicted blows with knife on her person. The co-accused Jashandeep Singh struck blows with *daang* and remaining accused also assaulted her. When her son and others tried to rescue her, they also sustained injuries at the hands of the assailants and then the latter managed to flee.

3. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail. Vide order dated 17.03.2026, arrest of the petitioner was ordered to be stayed by the Court of learned Additional Sessions Judge, Ludhiana and he was directed to join the investigation. However, the learned Sessions Court dismissed the application filed by the petitioner by observing that he had not got effected the recovery of the weapon used at the time of occurrence.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Even as per the version of the FIR, he was empty handed at the time of occurrence. This is a case of version and cross version as a cross case has been registered against the complainant party on the basis of the statement of father of the petitioner. No specific injury has been attributed to petitioner. The co-accused Inderjit Singh has been extended benefit of anticipatory bail. On parity, he too deserves to be extended the same

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benefit. The subject offences are triable by Magistrate. No useful purpose would be served if he is detained in custody. It is, therefore, argued that the petition deserves to be allowed.

5. Status report has been filed by respondent-State. Learned State counsel has argued that the allegations against the petitioner are serious in nature, as he had struck injuries on the person of the complainant by giving blows with knife. These injuries though opined to be simple in nature, have been caused with sharp edged weapon. For conducting thorough and proper investigation in the matter, custodial interrogation of the petitioner is must. It is, therefore, stressed that the petition does not deserve to be allowed.

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

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is further alleged to have assaulted the complainant and other victims. The injuries which have been sustained by the complainant and other victims, have been opined to be simple in nature. A cross case is also stated to have been registered against the complainant party on the statement of the father of the petitioner. Given the nature of the allegations as levelled against the petitioner, the part attributed to him, the fact that the subject offences are triable by Magistrate and except the offences under Sections 118(1) of BNS, all other offences are bailable in nature, this Court is of the considered opinion that the petitioner has made out a case for grant of anticipatory bail. Even otherwise, he had been directed to join the investigation by the Court of

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Sessions also and he had even joined the same but his application was dismissed only on account of non-recovery of the weapon of offence. It is well settled that mere non recovery cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled as ‘*Jagdish Thakkar vs. State of Delhi*’, 1992 (3) CCR 2764’ and in case titled as ‘*Pooran Singh vs. State of Delhi*’, 2022(1) RCR (Criminal) 503. Taking into consideration the above discussed facts, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required. As such, the petition is allowed and the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within 10 days from today and subsequent also as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS.

8. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

9. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

6th May, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |