



112

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-22302-2026**

Resham Singh

....Petitioner

Versus

State of Punjab

....Respondent

Date of Decision: April 23, 2026**Date of Uploading: April 23, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Parminder Singh Kanwar, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Addl. AG, Punjab.

Mr. Harjot Singh Mann, 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') for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR No. 0073 dated 05.02.2026 registered under Sections 109, 126, 191, 190, 351, 324 of the Bharatiya Nyaya Sanhita, 2023 (erstwhile Sections 307, 341, 148, 149, 503, 425 IPC) and Sections 25 and 27 of the Arms Act, 1959, Sections 117 and 238 BNS (added later on) (Sections 325 and 201 IPC), at Police Station Goindwal Sahib, District Tarn Taran.

2. The gravamen of the FIR in question reflects that the FIR in question was registered on the basis of a complaint filed by the complainant—Gurjinder Singh, who in his complaint has stated that on

04.02.2026 he along with his companion had gone to Goindwal Sahib and while returning to his residence at about 10:00 PM, when they reached at a short distance from their house, they noticed a white-coloured vehicle already standing there and about with 6–7 persons present in the said vehicle. The said persons were armed with firearms and other deadly weapons, allegedly stopped their vehicle and opened fire upon them. He has further alleged that one of the gunshots hitting him and causing injury. The bullets hit the windshield of their car. The complainant and his friend got down from the car and ran. The moment he got down, they fired at him and the shot hit near the joint of his right leg and he fell down. One of the assailants gave *datar* blow to complainant which hit on the middle of his head. He has further stated that his friend Ramandeep Singh came forward to rescue him. They scuffled with him as well and gave baseball blow to complainant on his right leg. Upon raising alarm by the complainant, his cousin Gurpreet Singh, reached the spot. The complainant and his cousin identified the assailants. Thereafter, the accused fled away from the spot. 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 for the petitioner submits that the petitioner has been falsely implicated into the FIR in question. It is contended that initially all the assailants were stated to be unidentified but later the complainant alongwith cousin Gurpreet Singh alleged to have identified three of the assailants. It is further submitted that the role attributed to the petitioner is limited, as he is alleged to be armed

with a (*datar*) and the injury attributed invoked Section 117 of BNS (erstwhile Section 325 IPC). It is also argued that there is a delay of one day in lodging the FIR. He has further contended that the petitioner had joined investigation pursuant to interim protection granted by the learned Sessions Court but later on his plea for anticipatory bail was dismissed by the concerned Court.

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 (assisted by learned counsel for the complainant) has opposed the petition in hand by arguing that the petitioner is specifically named in the FIR and has been attributed a distinct and active role of inflicting injuries on the vital part of the body i.e. the head with a sharp-edged weapon (*datar*), which allegations are serious in nature. It is further argued that the petitioner was part of an unlawful assembly and participated in the alleged occurrence, wherein along with the aforesaid injury gunshots were fired causing injuries to the complainant. Learned State counsel has further argued that despite grant of interim protection, the petitioner has not fully cooperated with the investigation and due to this his bail was ultimately dismissed by the concerned Sessions Court. 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.

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. As per the version put forth by the prosecution, it *prima facie* emerges that the petitioner and his co-accused were armed with deadly weapons including fire arms and sharp-edged weapon (*datar*), resulting in grievous injuries to the complainant. The petitioner has been specifically attributed a blow inflicted on the head of the complainant with a sharp-edged weapon (*datar*), which injury has been declared grievous in nature. The co-accused of the petitioner namely Sehajpreet Singh is alleged to have fired shots at the complainant and one of them hit near the joint of his right leg. As per case put forth by the prosecution, it is also not in dispute that the petitioner was granted interim anticipatory bail by the learned Sessions Court, however, his bail was subsequently dismissed on account of non-cooperation in investigation. The contention regarding delay of one day in registration of FIR does not carry insignificant weight at this stage, the same being minimal and inconsequential in the facts and circumstances of the case.

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 establish 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. 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

April 23, 2026
Naveen

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