



115-2

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

**CRM-M No.22442 of 2026
Date of Decision: 23.04.2026**

Jagsir Singh @ Jagshir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rahul Garg, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.27, dated 14.03.2026, under Sections 115(2), 118(1), 351(2), 351(3), 126(2), 3(5), 109 of BNS, registered at Police Station Bhadson, District Patiala.

2. Succinctly, the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Gurpreet Singh @ Guri. It was alleged that the complainant was a farmer and he was the Panchayat member of Gram Panchayat of village Palia Kala. It was alleged that on 13.03.2026, the complainant along with Kamaldeep Singh was going on his electric scooter for some work and at about 08:30/9:00 P.M., when the complainant reached near the village Palia Kala Gurudwara Sahib, Jagsir Singh, i.e., the petitioner, Bharpur



Singh, Lali Singh and Harpreet Singh, who were already present at the Chowk, surrounded the complainant. It was alleged that Jagsir Singh started abusing the complainant and on opposing the same, Bharpur Singh pushed him and threw him on the ground along with the scooter. Thereafter, Jagsir Singh picked up an iron *Dah* and attacked on the head of complainant. The complainant turned backward to save himself but Jagsir Singh again attacked the complainant with the *Dah*, which hit on his head above the neck. Bharpur Singh attacked his back with an iron rod kept near the bathroom. Then, Harpreet Singh picked up a stick and hit on his right shoulder. Lali Singh attacked on the complainant, which caused scratch below his right eye. On raising alarm, Bhagwan Chand, Jaswant Singh and Kamaldeep Singh arrived at the spot. On seeing the gathering, all the accused persons fled away from the spot along with their respective weapons. The complainant got admitted in Civil Hospital, Nabha for treatment. Thus, the request was made to take legal action against all the accused. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Patiala praying for the grant of anticipatory bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Patiala declined the bail application filed by the petitioner vide order dated 07.04.2026. Hence, being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.



3. Learned counsel for the petitioner has submitted that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither any specific injury was attributed to the petitioner nor any weapon was recovered from the petitioner. He has further submitted that the petitioner has never caused any grievous injury on the head of the complainant as alleged by the prosecution. He has submitted that the alleged involvement of the petitioner does not prima facie disclose any intention to cause death. He has submitted that the present FIR has been registered only due to political vendetta. He has further submitted that brother of the petitioner, namely, Mandeep Singh, also suffered injuries at the hands of complainant and other Panchayat members and a DDR bearing No.26, dated 18.03.2026, under Sections 115(2), 351(2), 351(3), 126(2), 190 and 191 BNS was also registered, in which, it is clearly mentioned that the complainant party has given the injuries to the petitioner and other co-accused. He has further submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has thus submitted that keeping in view the facts and circumstances of the case, the petitioner deserves to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. K. D. Sachdeva, DAG, Punjab appears and accepts notice on behalf of the respondent-State. He, however, has opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner was specifically named in



the FIR. He has submitted that the petitioner, who was armed with '*Daat Loha*', in connivance with other co-accused, inflicted injuries upon the complainant and the complainant suffered four injuries. He has submitted that all the injuries have been given on the head, which is vital part of the body, and other parts of the body of complainant with intention to kill him. He has further submitted that the investigation is at the initial stage and the allegations against the petitioner are serious in nature. He has submitted that no case for the grant of anticipatory bail to the petitioner is made out and thus, the present petition deserves to be dismissed.

6. At this stage, Mr. Mohit Khatkar, Advocate has appeared and filed his memorandum of appearance on behalf of the complainant-injured today in the Court and the same is taken on record. He, however, has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner along with other co-accused caused injuries to the complainant and all the injuries have been declared grievous in nature. He has further submitted that the petitioner is not entitled for the grant of anticipatory bail and thus, the present petition deserves to be dismissed.

7. The Court has heard learned counsel for the parties and perused the record with their able assistance.

8. It has been transpired that complicity of the petitioner has been *prima facie* established as he was specifically named in the FIR. The allegations against the petitioner are that he, in collusion with other co-accused, inflicted injuries on the complainant, which are declared to



be grievous in nature. All the accused gave injuries to the complainant on his head and thereafter, fled away from the spot along with their respective weapons. As per the MLR, the complainant received four injuries and all the injuries have been caused on his head with sharp edged weapons, which are declared to be grievous in nature. Allegations against the petitioner are serious in nature. Needless to say that the investigation is at threshold and granting bail to the petitioner would scuttle the ongoing investigation.

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

“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.*”

10. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of*



the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

11. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, 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 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.”

12. Weighing the facts of the case on the anvil of the law settled, it is apparent that the case is under investigation and the complicity of the petitioner has been prima facie found. Needless to say, in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

13. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

		(RAJESH BHARDWAJ)
		JUDGE
23.04.2026	Whether speaking/reasoned :	Yes/No
rittu	Whether reportable :	Yes/No