



107

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-22723-2026**

Lakhwinder Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

Date of Decision: April 24, 2026**Date of Uploading: April 24, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Arshdeep, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

Mr. Daljeet Singh Randhawa, Advocate for
Mr. A.S. Manaise, 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. 41 dated 14.03.2026 registered under Sections 333, 118(1), 115(2),
3(5) and Section 118(2) (added later on) of the BNS 2023, at Police Station
Sadar Jalalabad, District Fazilka.

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—Gurpaljeet Kumar, who in his complaint has stated that on
06.03.2026 at about 4:30 PM, when he was unloading cement from a

tractor trolley at his house, the petitioner (*herein*) along with co-accused namely Manjeet Singh and Chanan Singh came there on a motorcycle with a trolley and they stopped the motorcycle in the street and started abusing him. The complainant has further stated that upon being asked, they attempted to assault him, whereupon he ran inside his house in order to save himself. He has further stated that the petitioner and co-accused allegedly followed him inside. He has further alleged that the petitioner—Lakhwinder Singh and Manjeet Singh were armed with *sickles whereas* accused Chanan Singh was empty handed. Lakhwinder Singh inflicted a blow which hit on his little and ring finger of the left hand, when he tried to save himself, *whereas* the co-accused also caused injuries. On raising alarm, other persons gathered at the spot, upon which the assailants fled away along with their weapons. 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. He further submits that the FIR is nothing but a counterblast to the earlier version put forth by the petitioner. It is further contended that the alleged occurrence took place on 06.03.2026, *whereas* the FIR in question has been registered after an unexplained delay of about 8 days, which creates serious doubt about the veracity of the prosecution story. It is further submitted that, in fact, the petitioner himself sustained injuries in the same occurrence and was immediately admitted to Civil Hospital, Jalalabad and thereafter, referred to Guru Gobind Singh Medical College and Hospital,

Faridkot. A Daily Diary Report (DDR) was also recorded on the statement of the petitioner prior in time on 12.03.2026. Learned counsel further submits that the complainant got himself admitted to the hospital on the next day i.e. 07.03.2026, which renders the prosecution version doubtful and indicates that the FIR has been lodged as a counterblast after due deliberation. It is further argued that there exists prior enmity between the parties on account of Panchayat election disputes and the FIR in question has been lodged with an ulterior motive to pressurize the petitioner. It is further contended that co-accused Manjeet Singh and Chanan Singh have already been granted the concession of anticipatory bail by the learned Additional Sessions Judge, Fazilka vide order dated 09.04.2026 (Annexure P-4) and the petitioner is also entitled for grant of concession of anticipatory bail on the ground of parity.

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 person of the complainant.

Learned State counsel has further submitted that, as alleged by the complainant, the petitioner was armed with a sharp-edged weapon and inflicted injury on the hand of the complainant. 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, resulting in grievous injuries to the complainant. The petitioner has been specifically named in the FIR and attributed a distinct and active role in the occurrence. The petitioner is alleged to have inflicted an injury with a sharp-edged weapon upon the complainant, which hit on his little and ring finger of the left hand. The nature of the injury, as noticed by the learned Sessions Court while declining the bail to the petitioner, has been opined to be grievous in nature. The argument raised on behalf of the petitioner seeking parity with the co-accused, who have been granted anticipatory bail also does not merit acceptance, since the co-accused were attributed a lesser role and were not alleged to have used any sharp-edged weapon in the occurrence. The contention regarding delay of one day in registration of FIR does not carry

insignificant weight at this stage, the same being nominal 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 24, 2026
Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No