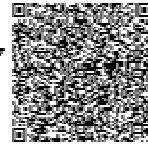


CRM-M-26537-2026

2026:PHHC:073207



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IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

CRM-M-26537-2026

Lakhwinder Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: May 11, 2026

Date of Uploading: May 11, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (Section 438 of Cr. P.C.) seeking grant of anticipatory bail to the petitioner, in case bearing FIR No.51 dated 29.03.2026, registered for the offences punishable under Sections 115(2), 118(2), 133 and 3(5) of the BNS, 2023, at Police Station Ghuman, Police District Batala, District Gurdaspur.

2. The gravamen of the FIR in question is that the complainant, namey, Gursharan Singh stated that on 26.03.2026, he was present at his house along with his maternal uncle (*Massar*) Harpal Singh, maternal aunt (*Massi*) Mandeep Kaur and cousin Princepreet Singh, who had come to visit him. At about 9:30 P.M., while the complainant and his cousin Princepreet Singh were

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conversing in the street outside the house, Lakhwinder Singh (*petitioner herein*) arrived from the side of his house armed with a *datar*. He allegedly started abusing the complainant and Princepreet Singh. When the complainant questioned him regarding the abusive language, co-accused, namely, Rajwinder Kaur also allegedly reached the spot armed with a baseball bat. Thereafter, Lakhwinder Singh (*petitioner herein*) allegedly inflicted a *datar* blow on the left hand of the complainant, while Rajwinder Kaur allegedly gave two blows with the baseball bat on his back. It was further alleged that Lakhwinder Singh (*petitioner herein*) again struck the complainant with a *datar* blow on his left leg, causing him to fall down, and thereafter gave another blow from the blunt side of the *datar* on the complainant's back.

On seeing the assault, Princepreet Singh allegedly intervened to rescue the complainant, whereupon Rajwinder Kaur allegedly hit him with a baseball bat on his shoulder and Lakhwinder Singh (*petitioner herein*) allegedly inflicted a *datar* blow on his left hand. Upon raising alarm, Harpal Singh, maternal uncle (*Massar*) of the complainant, also came forward to intervene, but Lakhwinder Singh (*petitioner herein*) allegedly caught hold of him by his beard and abused him. Thereafter, on the gathering of people from the vicinity, the accused allegedly fled from the spot along with their respective 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 iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the alleged occurrence took place on 26.03.2026, *whereas*, the FIR in question was registered after an unexplained

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delay of 03 days, i.e., on 29.03.2026. Learned counsel has urged that the injuries suffered by the complainant and injured are on non-vital part of the body. Learned counsel has further urged that, in fact, the complainant – side had opened attack on the petitioner and caused him severe beatings, but despite this, the police have not registered any cross-case against the complainant – side.

3.1. Learned counsel has asserted 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 further 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. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. 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 there are specific and direct allegations against the petitioner. It has been stated that the petitioner along with his co-accused attacked the complainant – side and caused grievous injuries to them. It has been further argued that, in case, the petitioner is granted concession of anticipatory bail, there is all likelihood that he may abscond from the process of justice as also interfere/ intimidate the prosecution evidence/ witnesses. Thus, dismissal of the petition in hand is prayed 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 by the prosecution, the allegations against the petitioner are grave and serious in nature. Perusal of the order, whereby, Court below dismissed the plea of the petitioner for grant of anticipatory bail, reveals that the petitioner, along with his co-accused, caused injuries to complainant – Gursharan Singh, his cousin Princepreet Singh and Harpal Singh. Learned Court below observed that as per the medical record, four injuries were found on the person of injured Princepreet Singh and five injuries were found on the person of complainant – Gursharan Singh. The Court further observed that one grievous injury caused by a sharp-edged weapon was found on the left hand of Princepreet Singh and another grievous injury caused by a sharp-edged weapon was found on the left leg of Gursharan Singh. *Prima facie*, both the aforesaid grievous injuries were attributed to the petitioner. The Court below further observed that although learned counsel for the petitioner contended that the petitioner himself had suffered numerous injuries, yet, at that stage, the fact could not be ignored that the petitioner had caused grievous injuries to two persons. In respect of contention raised on behalf of the petitioner before the Court below that the petitioner was serving in the Army and had been falsely implicated, the Court below observed that there was nothing available on record, at that stage, to *prima facie* conclude that the petitioner had been falsely implicated. The Court below also took note of the fact that multiple injuries had allegedly been inflicted by the petitioner upon the injured persons and that the weapon used in the commission of the offence was yet to be recovered.

6.1. 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 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.”

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8. In view of the seriousness of the allegations, the role attributed to the petitioner, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Moreover, considering the gravity of the offence and the manner in which the petitioner along with his co-accused caused injuries to the complainant and his associate, there is a strong likelihood that if granted the extraordinary relief of anticipatory bail, the petitioner may influence or intimidate the prosecution witnesses. 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. The 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

May 11, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No