



CRM-M-44074 of 2025

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

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CRM-M-44074 of 2025
Date of Decision: 03.02.2026

Gagandeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

Mr. Ravinder Singh, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.105 dated 02.07.2025 registered under Sections 115(2), 118(1), 191(3), 190, 324(2), 126(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (Sections 117(2) and 118(2) of the BNS added later on vide DDR No.27 dated 24.07.2025 and DDR No.33 dated 29.07.2025, respectively), at Police Station SGN Dev Thermal Plant, District Bathinda.

2. Brief facts as per the prosecution case are that the petitioner along with other co-accused, armed with deadly weapons, attacked the complainant and caused injuries to him.

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3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He argued that the alleged occurrence took place on 01.07.2025 but the FIR in question was registered on 02.07.2025 i.e. after a delay of 01 day, casting serious doubt on the prosecution story. He further argued that if the contents of the FIR are taken to be true, even then no specific role/injury has been attributed to the present petitioner and name of the petitioner has been roped in due to party faction in the village. He further argued that Section 118(2) of BNS has been added, vide DDR No.33 dated 29.07.2025, only to make the offence graver that too after a delay of 27 days from the date of registration of the FIR. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Bathinda, vide order dated 30.07.2025.

5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that the petitioner has been specifically named in the FIR. He further

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argued that the petitioner along with other co-accused had formed an unlawful assembly, armed with deadly weapons, attacked the complainant and caused serious injuries to him. He further argued that the petitioner, who was armed with a kirpan, assaulted the complainant and inflicted injury to him on the left side of forehead (injury No.4), which has been declared grievous in nature and offence under Section 118(2) of the BNS has been specifically attributed to the present petitioner. Further, the complainant sustained 12 injuries and out of which, 06 were inflicted with sharp edged weapon and declared grievous in nature. He further submits that the custodial interrogation of the petitioner is required for fair and proper investigation in the matter, to recover the weapon of offence and identification and arrest of co-accused. Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the petitioner is specifically named in the FIR and the allegations against him are serious in nature. He is alleged to have inflicted injury upon the injured/complainant with kirpan and the same was declared grievous in nature. The weapon of offence is yet to be recovered. This Court is sanguine of the fact that while considering the petition for anticipatory bail, it is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair



investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

8. 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 wider impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of the Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"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 information 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

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offenders."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Thus, the present petition being devoid of merits is hereby dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

03.02.2026*D.Bansal***(RUPINDERJIT CHAHAL)
JUDGE**

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