



102

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-66580-2025
DECIDED ON: 02.02.2026

KEWAL SINGHPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. JP Ratra, Advocate, and
Mr. Rinky Gupta, Advocate, for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J (ORAL)

1. Learned counsel for the petitioner argues that, at the initial stage, the offence was subsequently enhanced by addition of Sections 109 and 118(2) of the Bharatiya Nyaya Sanhita, 2023. However, at an earlier point of time, petitioner had already been granted the concession of anticipatory bail after joining the investigation.
2. After hearing counsel for the petitioner, on 28.11.2025, following order was passed by this Court:-

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Kewal Singh, aged about 42 years	006	26.01.2025	115(2), 118(1), 332, 333, 324, 351, 191(3), 190 with additional sections 109, 118(2) and 238 of BNS added later on, vide DDR No.21 dated 01.06.2025	Majitha	Amritsar Rural



2. *Learned counsel for the petitioner, inter alia, contends that petitioner had earlier been granted anticipatory bail, vide order dated 26.05.2025 passed in CRM-M-24122-2025 (Annexure P-1). At that time, the graver offences under Sections 109, 118(2), and 238 of BNS, 2023, had not been added. These offences were subsequently incorporated, vide DDR No.21 dated 01.06.2025. Consequently, petitioner moved a fresh application before the Court of Sessions, which was dismissed on the ground that, as per the videography of the incident, all the assailants had entered the complainant's house and used dangerous weapons.*

3. *Counsel for the petitioner submits that no specific medical opinion exists which could justify the addition of these graver offences. It is argued that newly added provisions, i.e. Sections 109, 118(2), and 238 of BNS, have been invoked merely to frustrate the concession of anticipatory bail earlier granted by this Court.*

It is further contended that no injury has been declared as dangerous to life, much less attributable to the petitioner. Thus, counsel prays for grant of anticipatory bail to the petitioner for the newly added offences, as well.

4. *Notice of motion.*

5. *On advance notice, Mr. Neeraj Madaan, Sr. DAG, Punjab, puts in appearance on behalf of the respondent – State, and seeks some time to file status report in the matter.*

6. *Adjourned to 02.02.2026.*

To be shown in the urgent list.

7. *Meanwhile, petitioner shall not be arrested. However, issue of joining of investigation by the petitioner would be examined on the next date of hearing, after reviewing the status report, which is yet to be filed by learned State counsel.*

8. *Let status report be filed by learned State counsel, clearly detailing when and what opinion was given by the doctor regarding the addition of the newly invoked offences. Learned State counsel shall also verify why these facts were not brought to the notice of the co-ordinate Bench of this Court in the earlier bail petition, particularly when the injured was already hospitalized and medical opinion regarding the injuries was awaited.*

Additionally, it shall be examined and clarified as to why it was not pointed out that the other co-accused namely, Gurjant Singh and Hardeep



(Annexure P-6), and Harpal Singh (Annexure P-7), had already been granted the concession of anticipatory bail by this Court.”

3. Today, learned State counsel has filed status report dated 01.02.2026 in the Court today and the same is taken on record. Registry is directed to tag the same at the appropriate place on the file.
4. As per the status report, petitioner is attributed of causing a blow with a baseball bat while being part of an unlawful assembly and having assaulted the injured, Baljit Singh, who sustained two injuries, which are detailed hereunder:

Sr. No.	Injury Details	Injury No.
1.	Diffuse swelling with tenderness on right ankle joint. No any external wound seen. Splint with cotton bandage applied from GNDH	1
2.	Diffuse swelling with tenderness on left ankle joint. No any external wound seen. Splint with cotton bandage applied from GNDH.	2

5. There is nothing on record to indicate whether the said injuries are simple, grievous, or dangerous to life. Rather, in paragraph No.6 of the status report, it has been clarified that although, an application was moved to the doctor on 14.02.2025 seeking a subsequent medical opinion, but no such opinion was received. It is further evident that the application seeking medical opinion was moved after a delay of about four months.
- It is further noticed from the status report that, on account of negligence in the discharge of official duties by ASI Gurvail Singh and



ASI Amrik Singh, notice vide letter No.90-5E dated 01.02.2025 has been issued to both the said officials.

6. Be that as it may, in the absence of a timely medical opinion, no responsibility can be fastened upon the petitioner or any other accused for conversion of the offence by invoking Sections 109 or 118(2) of the Bharatiya Nyaya Sanhita, 2023 thereby making the offence more serious.

7. In the considered view of this Court, nothing would be achieved by subjecting the petitioner to custodial interrogation. **Accordingly, present petition stands disposed of**, with a direction to the petitioner to join the investigation **on or before 16.02.2026**. In the event of his arrest, petitioner shall be released on anticipatory bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

8. It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

9. However, noticing the fact that conduct of the Investigating Officers, while conducting investigation in criminal cases, has been found to be negligent in many occasions, this Court deems it appropriate to be apprised of the final outcome of the notice issued to ASI Gurvail



Singh and ASI Amrik Singh (as referred to in paragraph No.6 of the status report), vide letter No. 90-5E dated 01.02.2025.

10. Though the present petition stands disposed of, yet for the limited purpose as discussed here above, the matter is directed to be **listed again on 06.04.2026**, to explain the said position.

02.02.2026

Lavisha

(SANJAY VASHISTH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>