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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-72761-2025

Date of decision: 08.01.2026

Kulwinder Singh and others ...Petitioners

V/s

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Impinder Singh Dhaliwal, Advocate for the petitioners.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioners seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in DDR No.015 dated 13.11.2024 arising out of FIR No.193 dated 12.11.2024 registered for offences punishable under Sections 118(1), 115(2), 3(5) of the BNS, 2023 at Police Station Lambi, District Shri Muktsar Sahib.

2. The gravamen of the FIR, as emerge from the record, are that the FIR in question was registered on the statement of petitioner No.1 namely Kulwinder Singh, alleging that on 01.11.2024, the accused Gurmeet Singh, alongwith his wife and son, inflicted injuries upon the petitioners as they objected to said Gurmeet Singh not to burst crackers and throwing them towards their house. Subsequently, the said Gurmeet Singh lodged the instant DDR *ibid* alleging that on the same date, the present petitioners had inflicted injuries upon him and his wife.

3. Learned counsel for the petitioners has iterated that the DDR lodged by Gurmeet Singh is a counterblast to the FIR registered at the instance of Kulwinder Singh (petitioner No.1 herein) and the petitioners are



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innocent. Learned counsel has further iterated that there is unexplained delay of 12 days in lodging the DDR which casts serious doubts on the veracity of the allegations leveled therein. According to learned counsel, the petitioners have not committed any offence as alleged in the DDR and rather they themselves are victims of the injuries inflicted by Gurmeet Singh and his family members which facts stand substantiated from the FIR registered earlier in point of time. Learned counsel has emphasized that the implication of the petitioners is the result of connivance between the complainant and the local police under political pressure. Furthermore, it has been contended that the co-accused namely Virpal Kaur, wife of Gurmeet Singh, has already been granted the concession of anticipatory bail and hence the petitioners are also entitled to the same relief on the ground of parity. Moreover, the complainant has lodged the impugned FIR on the basis of a false and fabricated story while concealing the true and material facts. It has been further argued that there is no need for custodial interrogation of the petitioners as the entire case is based on documentary evidence and the statements are already on record. Moreover, there is no likelihood of the petitioners absconding from the process of justice or tampering with the prosecution evidence in case they are enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioners by arguing that the allegations leveled in the DDR disclose active participation of the petitioners in causing injuries. According to learned State counsel, the



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allegations in the DDR are grave in nature and such direct and specific allegations cannot be brushed aside at this stage. Learned State counsel has submitted that the custodial interrogation of the petitioners is required to ascertain the role of each accused, recover the weapons and verify the sequence of events. Furthermore, in case the petitioners are granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and obstruct the recovery. Accordingly, a prayer has been made for the dismissal of the instant petition.

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, serious allegations have been levelled against the petitioners. From the perusal of the DDR *ibid*, it is evident that specific allegations of causing injuries have been leveled against the petitioners. The existence of a cross-version, by itself, does not entitle the accused to an anticipatory bail. The defence that the DDR is a counterblast is a matter of trial and investigation and cannot be conclusively adjudicated at the stage of grant of anticipatory bail. The contention regarding delay in lodging the DDR also cannot be accepted at this stage, as the explanation for delay is a factual aspect to be examined during investigation and trial. Mere delay, by itself, does not render the allegations false or motivated. The argument that the co-accused has been granted the concession of anticipatory bail is also of no help to the petitioners as the plea of parity cannot be claimed mechanically. Each case is required to be examined on its own facts, and the role attributed to the petitioners, as emerging from the DDR, *prima facie* appears to be direct,



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active and distinguishable from that of the co-accused who has been granted anticipatory bail, thereby disentitling the petitioners from claiming parity. Accordingly, the petitioners cannot claim parity with the co-accused as the principle of parity does not apply when the degree of participation and the gravity of allegations materially differ.

7. It is settled law that while considering anticipatory bail, the Court must strike a balance between the right of the individual to liberty and the need for free, fair and effective investigation. The investigation is at a nascent stage and the recovery of the weapon (i.e. *Kulhadi, Iron rod and dang*) and verification of facts are yet to be carried out. Such offences necessitate a strong and principled judicial response to prevent their recurrence. Furthermore, the plea of false implication raised by the petitioners is a disputed question of fact and involves appreciation of evidence, which cannot be adjudicated upon at this stage. The same can only be adjudicated upon the conclusion of the investigation or during the course of trial. In the considered opinion of this Court, granting anticipatory bail at this stage may likely to hamper the on-going investigation. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioners have been falsely implicated into the present DDR. It goes without saying that in the instant case, the DDR clearly attributes a direct role to the petitioners who have used weapons for commission of offence..

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 interests. The Court ought to reckon



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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. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioners. 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 petitioners, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble 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 task of disinterring offences would not conduct themselves as offenders.”

9. Considering the nature and seriousness of the allegations, the stage of investigation and the requirement of custodial interrogation to unearth the truth and ensure a faire investigation, this Court is of the considered opinion that the petitioners do not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.



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10. In view of the prevenient ratiocination, it is ordained thus:
- (i) The instant petition is devoid of merits and is hereby dismissed.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

January 08, 2026
Ajay

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