

CRM-M-74048 of 2025

2026:PHHC:019683



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

CRM-M-74048 of 2025

Date of decision: 10.02.2026

Sukhpal Singh @ Gora

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Khushkaran Kumar, Advocate,
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

NAMIT KUMAR, J.

1. Instant petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.224 dated 11.11.2025 registered under Sections 118(1), 115(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 and later on added Section 109 of the BNS at Police Station Badhni Kalan, District Moga.

2. The present case has been registered on the statement of Malkit Singh, Panch, who stated that he had contested the elections for the post of member panchayat against petitioner-Sukhpal Singh alias Gora and had won the elections and was elected as a member. It is alleged that the petitioner thereafter threatened him that he would not allow the complainant to discharge his duties as member. On

2026.PHHC:019683



08.11.2025, at about 10.00 a.m., the complainant was sitting on the 'tharis' adjoining the society, when the petitioner armed with 'dah' and Sanpreet Singh alias Sunny son of Jagtar Singh armed with iron pipe along with two unknown persons armed with baseball bats came in a white Alto car bearing registration no.PB46X-4226. Then Sanpreet Singh alias Sunny allegedly raised a *lalkara* exhorting them to teach the complainant a lesson for becoming a member of the panchayat. On this, petitioner gave a 'dah' blow from its reverse side, which hit on his right knee, followed by another blow of *dah* which hit on his right ankle. Then Sanpreet Singh alias Sunny gave two iron pipe blows, which hit above his right ankle and right leg. Then petitioner again gave a *dah* blow, which hit on his right leg. Then Sanpreet Singh alias Sunny gave iron pipe blow, which hit on his right leg. Thereafter, unknown persons gave baseball bat blows, which hit on his left knee. It is also alleged that two unknown persons also arrived at the spot on a scooty and also inflicted beatings to him. Upon raising an alarm of 'marta/marta', complainant's son Jagraj Singh and his family members came there, whereupon all the accused persons fled from the spot on their vehicles along with their weapons.

3. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. He further submitted that the present case is the result of the political rivalry between the petitioner and the complainant. He further submitted that all the injuries are on the non-vital part of the body of

2026.PHHC:019683



the complainant. He further submitted that the petitioner is ready and willing to join the investigation.

4. *Per contra*, learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner by contending that petitioner is the main accused and for proper investigation of the case his custodial interrogation is required. He further submits that petitioner is also an accused of concealment as he has not disclosed the fact of his involvement in three more cases in the petition. Therefore, present petition is liable to be dismissed.

5. I have heard learned counsel for the parties and perused the record.

6. There are specific allegations against the petitioner that he armed with *dah* caused injuries on the person of complainant-Malkit Singh. As per MLR, complainant suffered total 8 injuries, out of which injuries No.2 and 5, inflicted by the petitioner, have been declared as grievous. The alleged offence is serious and reflects the violent conduct of the petitioner.

7. Moreover, petitioner is involved in three more cases of similar nature being FIR No.166 dated 22.12.2015 registered under Section 25 of the Arms Act at Police Station Sangat Mandi; FIR No.65 dated 15.06.2017 registered under Sections 307, 506, 34 IPC at Police Station Sadar Barnala, and FIR No.171 dated 18.09.2025 registered under Section 25 of the Arms Act and Section 25 of the BNS. Although, in FIR No.166 dated 22.12.2025 and FIR No.65 dated 15.06.2017, petitioner has been acquitted and in FIR No.171 of

2026:PHHC:019683



18.09.2025 he is on bail, however, the fact of his involvement in the above cases has not been disclosed in the petition rather in para 13 of the petition it has been mentioned that petitioner is not involved in any other criminal case, which amounts to concealment on the part of the petitioner. It is a well-settled proposition of law that a person who does not approach the Court with clean hands and plays fraud with the Court, is not entitled for any relief. Reference in this regard can be made to the judgments of the Hon'ble Supreme Court in ***Dalip Singh v. State of U.P. and others - JT 2009 (15) SC 201: (2010) 2 SCC 114*** and ***Amar Singh v. Union of India and others, 2011(7) SCC 69.***

8. As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. (now Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023) is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty. Also in determining the parameters in granting anticipatory bail in cases of serious offences, the Hon'ble Supreme Court in ***Bhadresh Bipinbhai Sheth v. State of Gujarat and another, (2016)1 SCC 152*** after analysing the entire law has observed as under: -

“23. xx xx xx xx xx

(a) *The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*

2026.PHHC.019683



- (b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;*
- (c) The possibility of the applicant to flee from justice;*
- (d) The possibility of the accused's likelihood to repeat similar or other offences;*
- (e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;*
- (f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;*
- (g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern;*
- (h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;*
- (i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*
- (j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the*

2026.PHHC.019683



event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail. xx xx xx”

9. The allegations against the petitioner are serious in nature and his custodial interrogation may provide information leading to the discovery of material facts. Reliance can be placed upon the Hon’ble Supreme Court dictum passed in ***Prem Shankar Prasad v. State of Bihar and another, 2021(4) RCR (Crl.) 598*** and ***Anil Kumar Singh alias Anil Singh and others v. High Court of Judicature at Patna through its Registrar General and another, (2020)19 Supreme Court Cases 364*** whereby the Hon’ble Apex Court had denied the concession of anticipatory bail in view of the gravity of offences and the conduct of the petitioner.
10. No other point has been argued.
11. In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot, at this stage, *prima facie* be said to have been falsely enroled in the crime and his custodial interrogation is necessary in the case for the purpose of effective investigation. The measure of justice lies not only in protecting the liberty of the accused but also in assuring society that the innocent, particularly the most vulnerable are duly safeguarded. Since the investigation is going on and the petitioner may misuse his liberty if enlarged on anticipatory bail, and abscond, therefore, he does not deserve concession of anticipatory bail.
12. In view of the above, the petition is dismissed.

2026:PHHC:019683



13. However, nothing stated hereinabove shall be construed as
a final expression of opinion on the merits of the case.

10.02.2026
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No