



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

288

CRM-M-48408-2025

Date of Decision : 23.09.2025

KULWINDER SINGH ALIAS SONI**...Petitioner****VERSUS****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present: Mr. G.S. Sidhu, Advocate
for the petitioner.

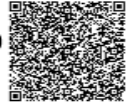
Mr. Amit Sangwan, AAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail under Section 482 BNSS, has been filed by petitioner, a co-accused in case bearing FIR No.348 dated 02.08.2025 registered against him at Police Station City Barnala, District Barnala, at the instance of Lovepreet Singh (complainant), for the commission of offences punishable u/s 115(2), 126(2), 351(2), 351(3), 118(1), 3(5) of BNS (Section 117(2) BNS added later on).

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Lovepreet Singh, son of Balwinder Singh, resident of Gali No.2, near Dr. Makhan Clinic Handiay Road, Barnala, set the criminal law in motion by filing a compliant pointing therein that he earns his livelihood by selling sand etc. For the last 15-20 days, he was visiting his house at his native village to



*celebrate the festival of Teej. People assemble in the vacant plot in front of his house. On 01.08.2025, he along with his friend Sukdeep Singh @ Deep were cleaning the plot with the help of tractor. After working for few hours, his friend Sukdeep Singh @ Deep went back to his house. He also parked the tractor in the house of his paternal uncle and started heading for home. At about 08.30 PM, when he reached near the gate of his house, a motorcycle suddenly came from behind which was being driven by the person, who had covered his face. Aakash Singh, son of unknown person and **Kulwinder Singh @ Sony (present petitioner)** were both riding pillion on the said motorcycle. Before he could react, both Aakash and Kulwinder alighted from the motorcycle and started rushing towards him. When he was entering his house, **Kulwinder Singh @ Sony (petitioner)** armed with a sharp-edged weapon, tried to hit him. He resisted and raised his arm towards of the blow, which eventually landed on the shoulder of his left arm. Though he (complainant) raised an alarm and before others could gather, **Kulwinder Singh @ Sony (petitioner)** again stabbed him with the sharp-edged weapon on his left cheek. Even when he fell down **Kulwinder Singh @ Sony (petitioner)** assaulted him. His paternal uncle and another family members arranged for a vehicle and rushed him to Civil Hospital, Barnala. Complainant also pointed out that both the accused were nursing a grudge against him, on account of the fact that he used to arrange Teej festival. On the basis of the said complaint and medico legal report, a formal case vide FIR No.348 dated 02.08.2025 was registered against the present petitioner and co-accused Aakash for commission of offence punishable under Sections 115(2), 126(2), 351(2), 351(3), 118(1), 3(5) of BNS (Section 117(2) BNS added later on).*

3. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail. The same was dismissed by the learned Sessions Judge, Barnala, in terms of order dated 14.08.2025. Aggrieved of which, the present petition has been filed.



4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. Allegations levelled against him are frivolous. Falsity of the case set up against the petitioner is apparent from the fact that there has been unexplained delay of one day in lodging the FIR. This intervening period was misused by the complainant party to concoct facts to suit their convenience. Continuing further, learned counsel submits that the ocular version of complainant is not in consonance with the Medico Legal Report. Elaborating further, learned counsel submits that as per compliant, petitioner was armed with a sharp-edged weapon, whereas, in the MLR, complainant is shown to have suffered only one incised wound. This discrepancy, itself raises doubt upon the genuineness of the story put forth by the complainant. Taking submissions further, learned counsel contends that petitioner is ready and willing to join the investigation as and when called for by the Investigating Officer as also that his custodial interrogation is not required. With these submissions, he prayed for allowing the present petition.

5. Short reply dated 08.09.2025 by way of affidavit of Mr. Satvir Singh, Deputy Superintendent of Police, Sub-Division Barnala, District Barnala, on behalf of the respondent-State has already been placed on record. Learned State counsel has opposed the prayer of the petitioner for grant of anticipatory bail on the ground that petitioner has been specifically named in the complaint and his role has also been highlighted. The manner in which the incident occurred, clearly depicts that complainant was repeatedly assaulted by petitioner and others, in accordance with well thought of plan. Further complainant specifically alleged that apart from receiving a stab injury on his shoulder, he also received a blow with the sharp-edged weapon on his lower left cheek. It was further pointed out in the complaint that even after he fell down, petitioner continued hitting him. As a consequence of the wound received on the left lower cheek, complainant suffered a fracture in his left jaw. This injury was declared as '*Grievous*' in nature. Further



as per learned State counsel, the presence of the petitioner is needed for custodial interrogation to recover the weapon used by him for commission of offence. Dismissal of the petition was prayed for.

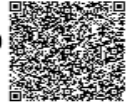
6. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy."

Hon'ble the Supreme Court while deciding the case titled as "**Ms. X Vs. The State of Maharashtra and another**", (2023 SCC Online SC 279) held as under:-

"11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while



deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

12. *In **Prasanta Kumar Sarkar's case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-*

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

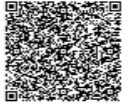
- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail."*

After considering the rival submissions advanced by both learned



counsel for the petitioner as also learned State counsel, this Court expresses its inability to agree with the submissions advanced by learned counsel for the petitioner. As has already been noted hereinabove, at the time the incident occurred, complainant was near his house and was unarmed. A motorcycle came from behind which was being driven by a man, who had covered his face. Present petitioner and co-accused Aakash were both riding pillion on the said motorcycle, which halted just next to the complainant. Complainant was not armed at the said point in time, suddenly, the present petitioner, who was armed with a sharp-edged weapon unleashed an attack. In the incident complainant admittedly suffered injuries; on the shoulder of his left arm and on his left cheek. It was a result of the stab injury suffered by the petitioner on his left cheek that he fractured his jaw. The fact that the assailants continued assaulting him even when he fell down, clearly depicts that the incident occurred in pursuance of premeditated mind/well thought of plan. Further, as pointed out by learned State counsel the incident was captured in the CCTV cameras installed nearby. After going through the documents, it further emerges that there has not been any unexplained delay in lodging of the FIR, which would prompt this Court to arrive at a conclusion that facts have been deliberately twisted. At about 08.30 - 09.00 PM on 01.08.2025, the incident occurred. Complainant injured was rushed to the hospital. On his arrival, intimation was given to the police officials and resultantly, few hours thereafter the FIR was lodged.

In view of discussion made hereinabove, role played by the petitioner, as highlighted in para 2 of this order, documents placed on record, the Court is of the opinion that custodial interrogation of petitioner is necessary as the weapon used by the accused in commission of offence is yet to be recovered. Petitioner has thus not been able to make out a case of exceptional



depravity/hardship in his favour, entitling for the grant of this extra ordinary relief of pre-arrest bail.

Accordingly, the present petition stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

23.09.2025

Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>