



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

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CRM-M-33930-2025

Date of decision: 03.07.2025

Surjit Singh

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Pawan Attri, Advocate for the petitioner.
Mr. Ashish Bishnoi, DAG Haryana.
Mr. Aditya Gautam, Advocate with
Mr. Rajat Sharma, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of anticipatory bail to the petitioner in case bearing FIR No.176 dated 05.06.2025, registered for the offences punishable under Sections 118(1), 118(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Sadar Pehowa, District Kurukshetra.

2. The case set up in the FIR in question (as set out in the petition by the petitioner) is as follows:-

“Statement of Angrej Singh son of Naib Singh resident of Adhoya, Police Station Sadar Pehowa, District Kurukshetra, age 40 years phone number 99965 10091 stated that I am a resident of the above name and address and I am doing the work of farming, I purchased 6 acres of land from Rajwinder Kaur wife of Gurmeet Singh resident of Panchkula in the year 2024 and 6 acres of land was also purchased from the wife of Gurmeet's brother Ranveer Kaur wife of Gurvinder Singh resident by Surjeet Singh Panchkula of Surjeet Singh and Gurjeet Singh sons of Gurdev Singh residents Devi Nagar Roorkee, Police Station Julka District Patiala in the



year 2022, the land of all of us is on joint khewat and is an unpartitioned land, my share of land is on the main road, the land of Sureet Singh and Gurjeet Singh is situated behind my fields, due to which Surjeet Singh and Gurjeet Singh have filed a case with the Tehsildar Pehowa regarding the partition of land. Both the brothers Surjeet Singh and Gurjeet Singh have a grudge against me because of the land near my Gauhar. Keeping this grudge, yesterday on 4.6.2025 at about 9:40 PM, my nephew Pradeep son of Baldev Singh was ploughing the field with a tractor and I was standing on the boundary of the field. At the same time, Surjeet Singh and Gurjeet Singh came on two motorcycles and two other persons whose names are not known came on another motorcycle, whom I can identify if they come in front of me. Surjeet Singh was holding a sickle in his hand and the rest Gurjeet Singh and two other persons were empty handed and Surjeet Singh challenged me and said that today we will teach him a lesson for taking land on the road and after saying this Surjeet Singh attacked my head with the sickle that he was holding in his hand, so I put my left arm in front of my head to protect my head, so the sickle hit my left arm and as soon as the sickle hit me, I fell down. Gurjeet Singh and two other boys attacked me in anger and when I shouted for help, my nephew stopped the tractor and came to my rescue. Surjeet Singh and Gurjeet Singh along with their two other companions left the spade at the spot and ran away. The phone of one of the four persons also fell at the spot and they also left two motorcycles a little distance away from the spot and ran away. While leaving they were saying. Today you were saved, if we get a chance next time we will kill you. So, my nephew Pradeep arranged for a vehicle private and got me admitted to the Government Hospital, Pehowa for treatment, after first where referred the me doctor Government aid to Hospital Kurukshetra where I am now undergoing treatment. Surjeet Singh, Gurjeet Singh and two other persons have inflicted injuries on me unlawfully. I request you to take legal action against the above persons. I shall be highly grateful to you. I have written my statement to you. I have heard and read it. It is correct. SD/- ANGREGJ.”

3. Learned counsel for the petitioner has iterated that the petitioner is a person of fragile health, suffering from multiple ailments, rendering him wholly unfit to engage in any criminal activity as alleged in the FIR. Learned counsel has further iterated that, as per the prosecution own version

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in the FIR, the incident is alleged to have taken place on 04.06.2025 at approximately 09:40 P.M. whereas the FIR was lodged on the following day i.e. 05.06.2025 at about 09:26 PM. This unexplained and inordinate delay of nearly 24 hours in lodging the FIR raises serious doubt regarding the authenticity of the prosecution story. It is further submitted that a bare perusal of the FIR reveals a clear case of false implication of the petitioner as the alleged injury sustained by the complainant appears to be self inflicted as there is previous civil dispute concerning land between the petitioner and the complainant. Learned counsel has further iterated that the instant FIR appears to be fabricated and concocted with a mala fide intent just to harass the petitioner. According to learned counsel, the complainant is a habitual litigant known for filing false and frivolous complaints against the petitioner and his family members as previously, the complainant, through his servant has managed to register a false FIR under Sections 190, 191(3), 351(2) of BNS, 2023 and Sections 3(1)(r) and 3(1)(s) of the SC/ST Act. However, through investigation, all the allegations were found to be baseless and a cancellation report was subsequently filed before the competent Court of jurisdiction. It is next submitted by the learned counsel that no recovery is to be effected from the petitioner or at his instance and he is not required for the purpose of custodial interrogation and hence in these circumstances when the petitioner is ready to join the investigation, no useful purpose would be served by sending him behind the bars. It is lastly submitted by the learned counsel that the instant petition be allowed and the petitioner be granted the concession of the anticipatory bail.



4. *Per contra; the* learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. According to the learned State counsel, the petitioner is the principal accused in the present case, who is specifically alleged to have inflicted injuries upon the complainant by means of a *kassi* (agricultural tool). It has been further submitted by the learned State counsel that the injuries sustained by the complainant are not only consistent with the use of such a weapon but also indicative of a deliberate and targeted assault. Furthermore, two unidentified assailants were allegedly involved in the commission of the offence and their identities are believed to be within the exclusive knowledge of the petitioner. It is, therefore, apprehended that in the event of the petitioner being granted the concession of pre-arrest bail, he may temper with the evidence, influence the witnesses or impede the ongoing investigation. Moreover, in order to elicit the truth, custodial interrogation of the petitioner would be necessary and hence dismissal of the anticipatory bail is prayed for.

5. Learned counsel appearing for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner in light of the gravity of the allegations, the nature of the weapon used, the role ascribed to the petitioner and the stage of the investigation. According to him, in case the petitioner is enlarged on bail, it would in fact affect the proper investigation of the case and therefore, the petitioner does not deserve the concession of pre-arrest/anticipatory bail.

6. I have heard counsel for the rival parties and have gone through the available records of the case.



7. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022***, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information. In State v. Anil Sharma [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039], the 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.

75. Observing that the arrest is a part of the investigation intended to secure several purposes, in Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933], it was held as under : (SCC p. 313, para 19)

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail



regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

76. In ***Siddharam Satlingappa Mhetre v. State of Maharashtra [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]***, the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to ***Siddharam Satlingappa Mhetre [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]*** and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in ***Jai Prakash Singh v. State of Bihar [Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468]***, the Supreme Court held as under : (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that



the applicant has falsely been enroped in the crime and would not misuse his liberty. (See D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 :(2007) 2 SCC (Cri) 345] , State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1] .)”

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In Directorate of Enforcement v. Ashok Kumar Jain [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

8. As per the allegations put forth in the FIR in question, it is indubitable that serious allegations have been levelled against the petitioner. It appears that the dispute between the complainant and the petitioner arises out of an ongoing property dispute, wherein both parties are stated to have jointly purchased certain land in the years 2022 and 2024, reflected in a common khewat. The record further suggests that civil litigation was already



pending between the parties, including a partition petition allegedly filed by the petitioner before the Tehsildar, Pehowa, and a civil suit was instituted by the complainant against the petitioner. However, the pendency of civil proceedings does not, in itself, dilute the gravity of the allegations made in the instant case. Furthermore, it is alleged that on 04.06.2025 at approximately 09:40 P.M., the petitioner, along with two other unknown associates, allegedly arrived at the disputed property. The petitioner is specifically accused of having inflicted a grievous injury on the left arm of the complainant using a sharp-edged agricultural tool i.e. *kassi*. The weapon used in the commission of the offence has reportedly been recovered and taken into police custody. As per the Medico Legal Report (MLR), the complainant suffered a fracture in the left arm, which has been medically opined to be consistent with an injury caused by a sharp-edged weapon.

The petitioner is prima facie identified as the principal perpetrator of the offence. Furthermore, as per the stand of the State, the identities of the two other unknown co-accused, who are alleged to have reached the scene on a separate motorcycle to assault the complainant, are said to be within the exclusive knowledge of the petitioner. In such circumstances, the requirement of custodial interrogation cannot be ruled out at this stage of the investigation, particularly in light of the need to unearth the complete chain of events and identify the absconding accused.

Having regard to the seriousness of the allegations, the nature of the weapon used, the injury sustained by the complainant, and the investigative imperatives involved, this Court finds no ground to extend the extraordinary relief of anticipatory bail to the petitioner.



8.1 It is befitting to mention here that the offence of such magnitude must be properly investigated and truth must be brought on record. 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. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner or the petitioner has been falsely implicated in the case. The nature and gravity of the offence, the role attributed to the petitioner essentially lead to unequivocal conclusion that the petitioner does not deserve the concession of anticipatory bail. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

9. Any observations made and/or submissions noted hereinabove shall not have any effect on the merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

10. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

July 03, 2025
Ajay

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