

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CRM-M-42395-2025
Reserved on: 03.09.2025
Pronounced on: 30.09.2025

LAKHWINDER SINGH ...PETITIONER(S)

VERSUS

STATE OF PUNJAB ...RESPONDENT

2) CRM-M-42386-2025

DHARMINDER SINGH ...PETITIONER(S)

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Abhishek Khullar, Advocate and
Mr. J.S. Jaidka, Advocate for the petitioner(s),

Ms. Pooja Nayar Sharma, DAG, Punjab.

Mr. B.R. Rana, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
145	12.07.2025	Sadar Ludhiana, District Ludhiana	115(2)/118(1)/333/351(3)/3(5) of BNS, 2023

1. In both the above mentioned petitions common question of law and facts are involved, so both petitions are being disposed of by a common judgment. For brevity, facts are being taken from CRM-M-42395-2025 titled as "*Lakhwinder Singh Versus State of Punjab.*"

2. The petitioner(s) apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

3. Both the petitioner(s) have clean antecedents.

4. The facts and allegations are being taken from the reply dated 23.08.2025 filed by the State in CRM-M-42395-2025, which reads as follows:

"That the brief facts of the present case are that the complainant, namely Sunil Kumar Sood, son of Dharam Prakash Sood, aged about 62 years, resident of Village Dhandra, District Ludhiana, stated that he is running a shop in Dana Mandi, Dhandra, and is also raising construction of his ancestral house in the said village, the outer structure of which stood completed while the interior work was in

progress, and the keys of the house used to remain with the labourers engaged therein. It is further stated that on dated 28.06.2025 at about 09:00 a.m., he received a telephonic call from the labourers informing him that his neighbours, namely Dharminder Singh and the present petitioner Lakhwinder Singh @ Lakhi, both sons of Sukhdev Singh, had forcibly snatched the keys of the house from them and restrained their entry into the premises.

It is further stated that on receiving such information, he along with his son Ankush Sood reached the spot at about 09:45 a.m. and found that Gürnam Singh, son of Dharminder Singh, along with one unidentified person, was standing outside the gate and had caught hold of his son Ankush Sood, whereas Dharminder Singh and the present petitioner had already trespassed inside the house. It is further stated that on being questioned as to why the key had been snatched from the labourers, both the aforesaid accused persons started abusing him, whereupon Dharminder Singh inflicted a blow with a wooden stick fitted with a sharp iron object on his head, and the present petitioner Lakhwinder Singh @ Lakhi assaulted him with a knife, causing injury on the index finger of his right hand. It is further stated that on hearing the alarm "Marta Marta" raised by his son, the accused persons fled the spot with their respective weapons after extending threats to kill them. It is further stated that his son then taken him to Civil Hospital, Ludhiana, where the doctor provided first aid, dressed the injuries, and prepared Medico Legal Report vide MLR No. VDC/411/2025 dated 28.06.2025, inflicted five Injuries, where injuries no. 1 to 4 are inflicted by the Blunt weapon and Injury no. 5 is inflicted by Sharp weapon. It is further stated that though attempts of compromise were being discussed between the parties, the same did not materialize, and consequently, on 12.07.2025, he along with his son appeared before the police authorities at Police Post Basant Avenue, P.S. Sadar, Ludhiana, and got his statement formally recorded, duly verified by HC Karamveer Singh. On the basis of the said statement and medical evidence, a case was registered vide FIR No. 145 dated 12.07.2025 under Sections 115(2), 118(1), 333, 351(3) and 35 of the Bhartiya Nyaya Sanhita, 2023 against Dharminder Singh, the present petitioner Lakhwinder Singh @ Lakhi, and one unknown person at Police Station Sadar, Ludhiana."

5. Counsel for the petitioner(s) submits that it is a case of version and cross version. The parties are neighbours, and the alleged occurrence arose due to a dispute related to the wrongful construction of the complainant's house. The petitioner(s) counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner(s) and their family.

6. The petitioner(s) counsel submits that the petitioner(s) would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner(s) repeats the offense or commits any non-bailable offense which provides for a

sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner(s) shall have no objection.

7. The State's counsel opposes bail and refers to the reply.

8. It would be appropriate to refer to the following portions of the reply in CRM-M-42395-2025, which read as follows:

“12. ROLE OF THE PRESENT PETITIONER:

That it is specifically stated that the role of the present petitioner, namely Lakhwinder Singh @ Lakhi, son of Sukhdev Singh, resident of Village Dhandra, District Ludhiana, is that he, along with co-accused Dharminder Singh, trespassed into the house of the complainant Sunil Kumar Sood on 28.06.2025 and after abusing him, the petitioner inflicted a knife blow on the right-hand index finger of the complainant, thereby causing a sharp injury, and further extended threats to kill the complainant and his son before fleeing from the spot with the weapon of offence

13. EVIDENCE AGAINST THE PRESENT PETITIONER:

That the evidence against the present petitioner, namely Lakhwinder Singh @ Lakhi, is the categorical statement of the complainant Sunil Kumar Sood recorded on 12.07.2025, wherein he specifically alleged that the petitioner had inflicted a knife blow on his right-hand index finger. The said version stands corroborated by the Medico Legal Report (MLR No. VDC/411/2025 dated 28.06.2025), which records one sharp injury consistent with the alleged weapon of offence. Further, the statement of Ankush Sood, son of the complainant and an eyewitness to the occurrence, also supports the prosecution case and attributes the role of knife assault to the present petitioner. Thus, the ocular and medical evidence together form a prima facie case against the petitioner”

REASONING:

9. Allegations against the petitioner are injuring complainant with knife, stick due to which he sustained grievous injury. As per MLR, total five injuries are inflicted on the person of the complainant and four injuries are blunt in nature and one sharp injury. Considering the severity of the injury and the role attributed to the petitioner(s), no case for custodial interrogation is made out.

10. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ Personal liberty is a

¹ Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.² Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.³

11. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

12. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.

13. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner(s) make a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

CONDITIONS:

14. Given above, provided the petitioner(s) are not required in any other case, the petitioner(s) shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

15. While furnishing a personal bond, the petitioner(s) shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

16. This order is subject to the petitioner(s) complying with the following terms. The petitioner(s) shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner(s) shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

² Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

17. The petitioner(s) are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner(s) shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner(s) shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner(s) shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

18. Given the background of allegations against the petitioner(s), it becomes paramount to protect the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner(s) shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days of the uploading of this order on the official webpage of this Court and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner(s) shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

19. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

20. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner(s) notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

21. It is clarified that if the petitioner(s) violates any bail condition, the State and/or the

victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner(s) moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

22. The significant consideration for granting bail is that the Court aims to give the petitioner(s) another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner(s) also abides by the assurance made on the petitioner(s)'s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

23. This bail is conditional, with the foundational condition being that if the petitioner(s) repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

24. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

25. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

26. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

27. **Petitions are allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.09.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.