

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

214

CRM-M-31946-2025

Date of decision: 31st July, 2025

Karam Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

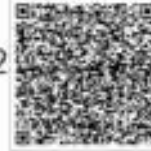
Present: Mr. B.S. Bhalla, Advocate for the petitioners.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 64 dated 08.05.2025 registered under Sections 126(2), 115(2), 118(1), 326(F), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Sadar Nabha, District Patiala.

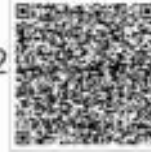
2. The aforementioned FIR was registered on the basis of a statement recorded by the complainant Sukhchain Singh on 08.05.2025, alleging that he was a member of the managing committee of Sheetla Mata temple of his village. Due to the receipt of huge offerings at the temple, the committee had been divided into two factions. There were frequent disputes between the members of these two factions and even litigation was going on. On the same day, at about 8:00 PM, he was going to his brother's house,



when he was intercepted by the petitioners, co-accused and 4-5 unknown persons, who stopped his bike and made an exhortation that they would make him a permanent devotee. Thereafter, the petitioner Karam Singh opened an attack upon him with a sword. The complainant tried to ward off the blow but sustained injuries to his head and fell down from his bike. He received another blow on his right shoulder. The petitioner Kulwinder Singh set his motorbike ablaze whereas others also assaulted him with iron rods. The clamour raised by him attracted other persons who rushed to his rescue and then the assailants fled. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Patiala which was dismissed vide order dated 22.05.2025.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case due to political rivalry and due to the fact that civil litigation is pending amongst them. They are ready to join the investigation. Their custodial interrogation is not required. No recovery is to be effected from them. The allegations against them are of attribution of injuries which have been opined to be simple in nature. It is, therefore, argued that they deserve to be extended benefit of pre-arrest bail.

4. Status report has been filed. It is argued by learned State counsel that there are serious and specific allegations against the petitioners who being members of unlawful assembly had caused injuries with sharp edge as well as blunt weapons to the complainant and had damaged his motorbike. Their custodial interrogation is must for conducting proper

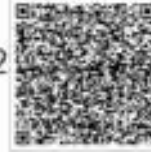


investigation in the matter. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioners are alleged to have formed an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, they are alleged to have wrongfully restrained the complainant initially and then to have opened assault upon him. He sustained simple injuries on his person. They are also alleged to have damaged the bike of the complainant. Co-accused Dalip Singh and Jasvir Singh have been extended benefit of pre-arrest bail. Given the nature of the allegations, this Court is of the considered opinion that the pre-trial incarceration of the petitioners is not required. The subject offences are triable by Magistrate. Keeping in view the above discussed facts, I am of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrender before the Investigating Officer within a period of ten days from the date of passing of this order and on his surrender within that period, he shall be released on bail by the learned trial Court on furnishing bonds to its satisfaction and the following conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the investigating officer/arresting officer as and when required.
- (ii) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the



case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.

(iii) he shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

31st July, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*