

2025:PHHC:117448



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

**CRM-M-48502-2025**

**Date of decision: September 01, 2025**

Lovejit Singh @ Lala

....Petitioner

versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

**Present:** Ms. Samanpreet Kaur, Advocate for the petitioner.

Mr. Gurpartap Singh Bhullar, AAG Punjab.

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**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 pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.46 dated 15.05.2025, registered for the offences punishable under Sections 115(2), 118(2), 3(5) of the BNS Act, at Police Station Chattiwind, District Amritsar Rural.

2. The gravamen of the FIR in question reflects that the present case was registered on the basis of a statement made by Charanjit Singh, S/o Lal Singh R/o Rajewal, aged about 52 years, who is working as farmer. According to the complainant, on 03.05.2025 at about 09:30 PM, he went to the house of his maternal aunt namely Bir Kaur in village Rajewal to invite her for the roof laying ceremony of his house scheduled on 04.05.2025.

When the complainant was standing outside the house of her maternal aunt after knocking the door, at that time accused/ petitioner armed with *datar*; Gurpreet Singh armed with *baseball bat*, Vanshdeep Singh @ Kaka armed with *daang* alongwith two unknown persons, who were armed with *baseball bat* and *daang* approached him. The petitioner raised a *lalkara* saying that the complainant be taught a lesson for not allowing them to encroach upon the government land. The said accused attacked the complainant with *datar* which hit on his nose causing him to fall. Accused Gurpreet Singh struck the complainant on the back of his head with a baseball bat. Accused Vanshdeep Singh hit the complainant on the waist with a *daang*. The unknown assailants also attacked the complainant on the waist and right leg. On raising the hue and cry, the accused fled with their respective weapons. When the family of the complainant reached the spot, the complainant was taken to Civil Hospital, Manawala. Due to the seriousness of the injures, he was referred to Guru Nanak Dev Hospital, Amritsar where he remained under treatment until 06.05.2025 and thereafter was again admitted to Civil Hospital, Manawala till 09.05.2025. Based on these set of allegations, the instant FIR was duly registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that as per the prosecution, a *datar* blow was attributed to the petitioner, but narration of the events in the FIR is inconsistent and does not inspire confidence. Furthermore, there is unexplained delay of 12 days in lodging of the FIR as the alleged incident took place on 03.05.2025 whereas the FIR in question was registered only on 15.05.2025. This inordinate

delay clearly points towards afterthought. According to learned counsel, if the story of the prosecution is assumed to be true for the sake of arguments, the injury allegedly attributed to the petitioner is on a non-vital part of the body of the complainant. Thus, the essential ingredients of a grave offence are missing. Learned counsel asserts that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete but also tainted with bias. Learned counsel has further argued that co-accused, namely, Vanshdeep Singh alias Kaka has been granted the concession of anticipatory bail by the co-ordinate Bench of this Court vide order dated 04.08.2025 passed in *CRM-M-39021-2025*. It is next submitted by the learned counsel that the petitioner is a young man of 29 years and his entire future would be jeopardized if he is subjected to incarceration in a false case. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, 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. Learned State counsel has iterated that there are specific and direct allegations against the petitioner which are supported by medical evidence. The complainant has specifically named the petitioner alongwith co-accused and clearly attributed the role of inflicting a blow with a *datar* on his nose. Furthermore, the injuries sustained by the complainant are neither superficial nor fabricated as is evident from the

medical evidence. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence if he is enlarged on bail. Furthermore, custodial interrogation of the present petitioner is essential to ascertain the identities and roles of other co-accused who were also involved in the commission of the offence and were present at the scene of the occurrence.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. 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.*

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*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 enropeed 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.”*

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, on the alleged day of occurrence, the petitioner, alongwith co-accused, allegedly formed an unlawful assembly and armed with deadly weapons launched a violent and premeditated assault on the injured. The allegations against the petitioner are specific and direct. The petitioner is stated to have attacked the complainant with a sharp edged weapon (*datar*), on his nose which cannot be termed as a simple injury. The delay in registration of the FIR stands reasonably explained in view of the medical condition of the complainant, who were under treatment in different hospitals. The incident does not merely reflect a physical assault but amounts to a targeted and premeditated act of aggression against the petitioner.

7.1. Indubitably, the co-accused, namely, Vanshdeep Singh alias Kaka has been granted concession of anticipatory bail by the co-ordinate

Bench of this Court, but the said co-accused was attributed simple injury whereas, the present petitioner has been attributed grievous injury. *Ergo*, the petitioner cannot be said to be at parity with that co-accused, & hence, the benefit of factum of co-accused having been extended concession of anticipatory bail cannot be afforded to the present petitioner.

8. The petitioner has been specifically named in the FIR, and the nature of the injuries attributed to him is serious reflecting the severity of the alleged act. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner along with co-accused and as part of an unlawful assembly, acted in furtherance of their common object to inflict multiple injuries upon the complainant.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). 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 as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. 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.”*

9.1. In view of the seriousness of the allegations, the role attributed to the petitioner of inflicting a *datar* blow on the nose of the complainant, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Granting bail at this stage would not only undermine the administration of justice but may also embolden the accused and pose a threat to the safety and well-being of the victim and other witnesses. In view of the gravity of the allegations, the specific role attributed to the petitioner, the serious nature of injuries sustained by the complainant and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession

of anticipatory bail in the factual matrix of the case in hand. 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.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

11. Pending application(s), if any, shall also stand disposed off.

**(SUMEET GOEL)**  
**JUDGE**

**September 01, 2025**

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No