



CRM-M-49300 of 2025

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

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CRM-M-49300 of 2025
Date of Decision: 11.09.2025

Kuldeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Ravinder Singh, DAG, Punjab.

Mr. Vipin Mahajan, Advocate
for he complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.4 dated 23.01.2025 registered under Sections 109, 115(2), 117(2), 118(1), 118(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Bhaini Mian Khan, District Gurdaspur.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has not committed the alleged offence. He further argued that the real facts of the case are that the complainant in the present FIR along with his accomplices had caused injuries on the person of the petitioner alongwith Gulzar Singh and Paramjit Kaur and in respect of that, cross-version case vide DDR No.22 dated



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26.01.2025 was registered under Sections 109, 115(2), 118(1), 118(2), 191(3) and 190 of the BNS, 2023.

3. Learned counsel for the petitioner further contends that it is a case of version and cross-version where both the parties have suffered grievous injuries. It has also been contended that the alleged occurrence is dated 22.01.2025 and the FIR in question was registered on 23.01.2025 i.e. after a delay of 01 day. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that specific injury has been attributed to the present petitioner which is datar blow on the head of Balwinder Singh and Balkar Singh and the same in the opinion of the Doctor is vital part of the body of the injured person. He has further argued that the alleged injuries attributed to the petitioner are on the vital part of the complainant. The custodial interrogation of the petitioner is required for proper and thorough investigation in the matter and also to recover the weapon of offence used in the crime. Hence, he prays for dismissal of the petition.

6. At this stage, Mr. Vipin Mahajan, Advocate has put in appearance on behalf of the complainant and prays for dismissal of the petition by submitting that the petitioner has played an active role in the crime in question.



7. 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 would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"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 information 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."

8. In the present case, the petitioner is specifically named in the FIR and the allegations against the present petitioner are that he inflicted

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datar blow on the head of Balwinder Singh and Balkar Singh.

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(RUPINDERJIT CHAHAL)
JUDGE

11.09.2025
D.Bansal

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