



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

210

CRM-M-39988-2025

Date of decision : 26.08.2025

Arvinder Singh

....Petitioner

V/S

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. K.S. Brar, Advocate for the petitioner.

Mr. Hemant Aggarwal, D.A.G., Punjab.

Mr. R.S. Sekhon, Advocate for respondent No.2.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.103 dated 27.06.2025 registered under Sections 351(2), 126(2), 74, 298, 115(2) & 3(5) of Bharatiya Nyaya Sanhita, 2023 (Sections 109 & 117(2) of BNS were added later on) at Police Station City, District Fazilka.

2. Status report by way of an affidavit of Sh. Lovdeep Singh Gill, Deputy Superintendent of Police, Sub Division (HQ) Fazilka-cum-Sub Division, Fazilka, on behalf of respondent No.1-State, filed in the Registry is taken on record.

3. Brief facts of the case are that the instant FIR was registered on a complaint made by complainant-Malkiat Singh alleging therein that he is an agriculturist. On 24.06.2025 at about 10:00 A.M., when he was going on foot from his house for going towards Fazilka-

**CRM-M-39988-2025****2**

Ferozepur Road, he saw Jarnail Singh alongwith his son Arvinder Singh (the present petitioner) and wife Kulwant Kaur, whose house is situated on the left side of the passage leading to his house, were trying to close the passage leading to his house by digging up its foundation. He enquired from them about stopping of passage leading to his house but they did not answer. Thereafter, he went back to his house and by bringing tractor and cultivator, he tried to fill-up the foundation as the passage became very narrow. On seeing this, the accused persons tried to stop him and also protested and abused him. Jarnail Singh raised a lalkara that he (the complainant) be not spared and also gave threat to commit his murder. Accused-Arvinder Singh, with an intention to kill him, gave iron rod blow on the backside of the head of the complainant and another blow on his left shoulder. The above said Jarnail Singh and his wife Kulwant Kaur @ Gurjeet Kaur @ Davinder Kaur gave bricks blows towards him. His wife Jaswinder Kaur recorded the video of the entire incident. Accused-Arvinder Singh had also scuffled with his wife and also removed her "Dastar" and tried to drag her from the hair. Clothes of his wife were also torn during this scuffle. When his wife made hue and cry, the accused persons were ran away from the spot. Thereafter, Gurpreet Singh took him to Civil Hospital, Fazilka but due to serious injuries he was referred to Sri Guru Gobind Singh Medical College and Hospital, Faridkot and then P.G.I., Chandigarh ultimately he along-with his wife were admitted in Helios Hospital, Bathinda. He further alleged that although, a stay order has also been granted in their favour b the Hon'ble Punjab and Haryana High Court, but these



persons are trying to take possession of the passage forcibly.

4. Learned counsel for the petitioner submits that the incident took place due to dispute of passage between the petitioner's family and the complainants' family. The house of the petitioner is on the main road and adjoining to his house, one street is leading inside the village. The petitioner's family after arranging the labour was digging in front of their house only to install the pipe for the sewerage and entire way of the street was not blocked and the petitioner along with his family also requested the complainant that it is for the time being and after installing the pipe, they will cover the street properly but the complainant was not ready to listen anything. The complainant brought his tractor and cultivator and tried to forcibly fill up the dig and did not allow the petitioner to do the work. The complainant's party was more aggressive in the incident. Even the complainant tried to run the tractor over the family members of the petitioner. He submits that the petitioner is not involved in any other case. He further submits that no recovery is to be effected from the petitioner and he is ready to join the investigation. Therefore, the petitioner may be granted anticipatory bail.

5. Per contra, learned State counsel assisted by learned counsel for the complainant, while referring to the averments made in the status report, has vehemently opposed the prayer for grant of anticipatory bail to the petitioner on the ground that the injuries attributed to the petitioner are grievous in nature. He further submits that custodial interrogation of the petitioner is necessary for thorough investigation of the case, therefore, he does not deserve the concession



of anticipatory bail.

6. I have heard learned counsel for the parties and perused the record.

7. As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Pradeep Sharma : (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. (now Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023) is somewhat extraordinary in character and it is to be exercised only in exceptional cases, where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty. Also in determining the parameters in granting anticipatory bail in cases of serious offences, the Hon'ble Supreme Court in ***Bhadresh Bipinbhai Seth v. State of Gujarat and another, (2016)1 SCC 152*** after analysing the entire law has observed as under: -

“23. xx xx xx xx xx

(a) *The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*

(b) *The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;*

(c) *The possibility of the applicant to flee from justice;*

(d) *The possibility of the accused's likelihood to repeat similar or other offences;*

(e) *Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;*



(f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

(g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern;

(h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail. xx xx xx”

8. As per the prosecution, at the time of incident, the petitioner gave iron rod blow on the backside of the head of the complainant and another blow on the left shoulder of the complainant. The petitioner along with other co-accused also scuffled with the wife of the petitioner and removed her ‘Dastar’ and tried to drag her from the hair and during this scuffle, clothes of the wife of the



complainant were also torn. Initially, the FIR was registered under Sections 351(2), 126(2), 74, 298, 115(2) & 3(5) of BNS, 2023. However, after collecting the medical record of injured-complainant, Sections 109 & 117(2) of BNS, 2023 were added vide Rapat No.19 dated 09.07.2025. The medical opinion regarding the injuries sustained by the complainant is as under :-

Injury No.	Detail of Injury	To whom attributed	Weapon	Nature of Injury
1.	Head	Arvinder Singh	Iron Rod	Dangers to life
2.	Head	Arvinder Singh	Iron Rod	Dangers to life
3.	On left shoulder	Arvinder Singh	Iron Rod	Grievous

9. The allegations against the petitioner are serious in nature and his custodial interrogation may provide information leading to the discovery of material facts. Curtailing his freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses at this stage. Reliance can be placed upon the dictum of the Hon'ble Supreme Court in ***Prem Shankar Prasad Vs. The State of Bihar and another : 2021(4) RCR (Crl.) 598*** and ***Anil Kumar Singh Vs. High Court of Judicature at Patna through its Registrar General and another : (2020)19 Supreme Court Cases 364***, wherein the Hon'ble Apex Court had denied the concession of anticipatory bail in view of the gravity of offences and the conduct of the petitioner.

10. No other point has been argued.

11. In view of the facts and circumstances of the case, I am of the considered view that the custodial interrogation of the petitioner is necessary in the case and there is a likelihood that the petitioner may

**CRM-M-39988-2025****7**

abscond and misuse his liberty. Thus, he does not deserve the concession of anticipatory bail. Consequently, the instant petition is dismissed.

12. However, nothing stated hereinabove shall be construed as a final expression of opinion on the merits of the case.

26.08.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No