

**In the Court of Shri Amar Jeet Singh,
Vacation Judge, Moga.
(UID No. PB00444)**

C.I.S No.	BA/1894/2026
C.N.R. No.	PBMO01-004595-2026
Date of Institution	11.06.2026
Date of Order	25.06.2026

Gurdit Singh, aged about 25 years, son of Gurcharan Singh, resident of Phoole Wala Vehra, Village Manuke, Tehsil Nihal Singh Wala, District Moga.

....Accused/applicant.

VERSUS

State of Punjab

FIR no.131 dated 28.05.2026,
Under Sections: 109, 304, 115 (2), 126 (2), 251 (2),
190, 191 (3) BNS.
Police Station: Nihal Singh Wala.

Bail application under Section 482 BNSS.

Present; Shri Sunil Jaiswal, Advocate, for accused/applicant.
 Shri Kuldeep Sahni, Addl.Public Prosecutor for the State.

ORDER

File put up before me being Vacation Judge, during summer vacation. Heard on bail application under Section 482 of BNSS filed by above named accused/applicant in the above noted case FIR.

2. Notice of the bail application was served upon the State and record from the concerned police station was also requisitioned.

3. The story of the prosecution is that present FIR was registered on the statement of Jagtar Singh who got it recorded that they are three brothers and one sister. His younger brother Jagdev Singh is aged about 46 years, Kulwinder Kaur is aged about 45 years and Krishan Singh is aged about 43 years. His family and family of his brother Jagdev Singh are residing together. Jagdev Singh is working as draftsman at

Nihal Singh Wala for the last 20/22 years. His office is situated at Nihal Singh Wala to Bagha Purana road near SBI Bank. On 27.05.2026 complainant came to Nihal Singh Wala, then Jagdev Singh met him and told that they will go together in the evening. Then at about 4:00 PM, complainant along with his brother had started from today Chowk towards Manuke via Patto Hira Singh, then at about 4:30 PM Jagdev Singh reached near Plastic Pipe Factory, Patto Hira Singh, then 5/6 unknown persons alighted from vehicle make cruze and they were abusing them, then one unknown person gave sword blow upon his brother Jagdev Singh with intention to kill him and when he raised his hand for his rescue, same it on his finger left hand. Then unknown person gave another sword blow which hit on left arm of Jagdev Singh and another unknown person gave khanda blow upon Jagdev Singh which hit on his left elbow, then another person gave baseball blow which hit on left thigh of Jagdev Singh, then another unknown person gave sword blow upon Jagdev Singh which hit on his left knee, then sixth blow was given by second unknown person upon Jagdev Singh, which hit on his right calf and thereafter, complainant tried to rescue him, then seventh blow was given by unknown person with baseball upon Jagdev Singh, which hit on his back. Then eighth blow was given by another unknown person with baseball, which hit on back of Jagdev Singh and they all gave kick blows to Jagdev Singh. On raising alarm by the complainant, they all six accused had taken away two mobile phones of Jagdev Singh i.e. I-10 and OPPO company along with cash amount of Rs.15/18 thousand and fled away from the spot on their vehicle along with their respective weapons. Thereafter, complainant arranged the vehicle and got admitted Jagdev

Singh at Civil Hospital, Nihal Singh Wala, from where after giving first aid, he was referred to Civil Hospital, Moga and after that they got admitted Jagdev Singh at Goyal Hospital, Moga. Accordingly FIR was lodged.

4. Learned counsel for accused/applicant submitted that applicant is quite innocent and has been falsely implicated in this case. He further contended that present FIR has been registered against unknown persons and name of applicant does not find mention in the FIR. He has been nominated later on. He further argued that as per alleged version of complainant, no overt act has been attributed to present applicant/accused. He further submitted that he is ready to join the investigation. Since, nothing is to be recovered from the accused/applicant, as such his custodial interrogation is not required. With these submissions, he requested for granting anticipatory bail to the accused/applicant.

5. Per contra, learned Addl. Public Prosecutor contended that in view of the seriousness of the offence so committed by the accused/applicant, she does not deserve any kind of leniency. He prayed that keeping in view of the seriousness of the offence, bail application of the applicant may kindly be dismissed.

6. After giving my thoughtful consideration to the rival submissions put forth by both the sides and on careful perusal of averments put in the application, coupled with due assistance rendered, record so produced, the court finds merits in the submissions of learned Addl. Public Prosecutor for the State. The plea of false implication as now raised on behalf of the accused/applicant can only be ascertained at a later stage, when the evidence is adduced during the course of trial. The court feels that the allegations as levelled against the

accused/applicants, prima facie, do not seem to be false or groundless as there are specific allegations that he had caused injuries on the person of brother of complainant Jagdev Singh with sword, which hit on his left muscle and also caused injury on his right calf. Since, serious allegations have been levelled against the accused/applicant, as such, his custodial interrogation is required for the purpose of effective investigation and for recovery of weapon. It is well settled that the provisions of section 482 of B.N.S.S are attracted only when it is found to be totally false, baseless and groundless. It is the accused/applicant to set out that no prima facie case is made out against him. From the facts on record, it is not reflected that the accusations against the accused/applicant are totally false and baseless. Furthermore at the time of considering a bail application, the court is not expected to meticulously examine the evidence or undertake an elaborate scrutiny of the documents as that may prejudice the case of either side. However, a prima-facie view with regard to commission of offence by the accused can be taken. In the light of the directions passed by the Hon'ble Apex Court from time to time, the parameters/factors which are to be considered by the Courts for grant of anticipatory bail are that whether there is any prima-facie or reasonable ground to believe that the accused had committed the offence and nature of the allegations-like severity/ gravity/enormity of the allegations.

7. When, totality of the facts of the present case when taken into consideration coupled with the ratio-decidenti laid down by the constitutional bench of the Hon'ble Apex Court in ***“Gurbax Singh Sibbia Versus State of Punjab, 1980(2) Supreme Court cases 565”***, wherein it has been made abundantly clear that while deciding the applications U/s 482 of B.N.S.S. that the court has to strike the balance between the liberty of the citizens and interest

of general public at large. The provisions of Section 482 of B.N.S.S are intended to protect the people from a process which may suggest abuse of law, but certainly not intended to benefit people who have much to explain for his conduct which prima facie is in conflict with law. Hence, the court is of the considered opinion that in order to facilitate a thorough and fair investigation, the custodial interrogation of the applicants is rather inevitable. The investigation is on the offing and there are ascertained facts relating to the occurrence which are within the exclusive knowledge of the applicant and for the said purpose, his custodial interrogation is required. Consequently, the Court finds no feature available in this case, which can justify or warrant the invocation of extraordinary equitable discretion under Section 482 of B.N.S.S. Hence, the instant application for grant of anticipatory bail moved by the accused/applicant, being bereft of any substances, is hereby dismissed.

File be sent back to Court concerned, with direction to Ahlmad concerned to put up before learned District & Sessions Judge, Moga, on 07.07.2026 for entrustment purpose.

Date of order:25.06.2026
Ashwani, Stenographer-Gr.I

(Amar Jeet Singh)
Vacation Judge, Moga.
(UID No.PB-00444)