

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

CRM-M No. 56553 of 2022

Date of decision : December 5, 2022

Arjun Singh @ Arjun

..... Petitioner

Versus

State of Punjab

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. Umesh Sharma, Advocate
for the petitioners.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No. 273 dated 20.09.2022 for offences punishable under Section 452, 323, 427, 506 and 34 IPC, 1860 registered at Police Station P. S. Sadar District Amritsar, the petitioner has preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

As per the allegations levelled against the petitioner it has been alleged that the petitioner along with his parents namely Mohan Lal and Manjeet Kaur entered in the factory premises of the complainant and picked fight with him. The petitioner is stated to have given baseball blows on the chest of the complainant and the left side of left eye. Vide order of the even date passed by this Court, parents of the petitioner have been granted the concession of

interim bail in the petition filed under Section 438 Cr.P.C.

As per settled law petitioner is required to make out a special case for invoking jurisdiction under Section 438 Cr.P.C. In **Gurbaksh Singh Sibbia Vs. State of Punjab, 1980(2) SCC 565**, Apex Court has held that :-

“..That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the State" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail....”

As per the law laid down in **C.B.I vs. Anil Sharma, 1997(7) 187** there is a qualitative difference between custodial interrogation and questioning a person insulated by pre-arrest bail.

Keeping in view the seriousness of the allegations levelled in the FIR and the fact that the investigation is at a nascent stage and the same cannot be derailed and belayed at this stage by granting relief of pre-arrest bail to the

petitioner. No ground for grant of anticipatory bail is made out.

Consequently, the present petition stands dismissed.

Needless to say nothing recorded hereinabove should be construed as
an expression on merits of the case.

(PANKAJ JAIN)
JUDGE

December 5, 2022
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Whether speaking/reasoned	Yes
Whether Reportable :	No