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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30755-2024
Decided on : 10.12.2024

Amritpal Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Ms. Ravinder Kaur Manaise, Advocate
for the petitioner

Mr. Vinay Kumar Malhotra, DAG Punjab

KIRTI SINGH, J. (Oral)

1. Apprehending arrest in FIR No.16 dated 15.02.2024, under Sections 323, 324, 148, 149 IPC (Sections 307, 325, 326 IPC added later on) registered at Police Station Sri Hargobindpur, Police District Batala, District Gurdaspur, the petitioner has preferred this petition under Section 438 Cr.P.C. for grant of anticipatory bail.
2. The contents of the above-mentioned FIR are reproduced herein below :-

“Statement of Paramjit Singh son of Harbhajan Singh resident of village Withwan, aged about 60 years, mobile No.98157-48042. Stated that I am a resident of the above said address and do agricultural work. On 12.02.2024 at about 9 AM, I was coming on my splendor motorcycle from the Dera of Amritpal Singh son of Niranjan Singh resident of Withwan after getting straw. When I reached near the



house of Manpreet Singh @ Mani son of Hira Singh resident of Withwan in the street, then Gurinder Singh son of Angrej Singh armed with datar, Manpreet Singh @ Mani son of Hira Singh armed with datar, Jassa son of Balinder Singh armed with takua, Akashdeep Singh son of Rattan Singh armed with datar and Amritpal Singh son of Sikander Singh armed with base bat residents of Withwan were standing. Gursewak Singh son of Rattan Singh raised a lalkara that, "Catch hold of him today, do not spare him." In the meantime, Gurinder Singh gave a datar blow to me which hit on the left of my head. Then Manpreet Singh @ Mani gave a datar blow to me which hit from reverse side near my left eye. Then, Jassa Singh gave a takua blow to me which hit on my right wrist. Then, Akashdeep Singh gave a datar blow to me which hit on my left leg below knee. Then Manpreet Singh @ Mani gave a datar blow to me which hit on my left wrist. Since I was wearing a karra, so the blow hit on the karra. Then Amritpal Singh gave a base bat blow on the left side of my face and I fell down. In the meantime, my brother Baljinder Singh son of Harbhajan Singh came to the spot and I raised cries to save myself, upon which all the above said assailants fled away from the spot with their respective weapons. This entire occurrence was witnessed by my brother Baljinder Singh. The bone of contention is that some time back restraint proceedings were done against both the parties with regard to a government water course, due to which they have caused me injuries. My brother Baljinder Singh arranged for a conveyance and got me admitted at Civil Hospital Bham for treatment, where the doctor issued my MLR and referred me to Guru Nanak Dev Hospital where I am under treatment. Statement has been got recorded, has been heard, is correct. Action be taken. Sd/ Paramjit Singh. Attested Sd/ Harpal Singh ASI, PS Sri Hargobindpur dated 15.02.2024. "

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case and as per the allegations, only one



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injury is attributed to the petitioner, which is blow with a baseball bat on the left side of face of the complainant. He further submits that it is a case of version and cross-version and there is a delay of three days in registering the FIR.

4. *Per contra*, learned State counsel while relying upon status report dated 05.07.2024 submits that there are serious allegations against the petitioner and he has actively participated in the alleged offence. The petitioner is stated to be armed with a baseball bat and to have given a blow on the left side of the face of the complainant. The medical record shows that there have been multiple fractures on the vital parts of the body of the injured/complainant particularly on the head and face.

5. Learned counsel for the complainant vehemently opposed the submissions made by learned counsel for the petitioner and submits that the complainant remained admitted in hospital for a period of 15 days.

6. Heard the rival submissions made by learned counsel for the parties and perused the record.

7. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant.



(See the decision of this Court in HDFC Bank Ltd. v. J.J.Mannan & Anr. 2010 (1) SCC 679).

*Further, it was clearly observed in para NO. 24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”*

8. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

9. In ***Siddharam Satlingappa Mhetra v. State of Maharashtra & Ors. reported in (2011) 1 SCC 694*** rendered in the context of the discretion to grant Anticipatory Bail under Section 438, Hon’ble Supreme Court advocated the need



to balance individual personal liberty with societal interest and observed:-

“84. Just as liberty is precious to an individual, so is the society’s interest in maintenance of peace, law and order. Both are equally important.”

10. There are serious allegations levelled against the petitioner. The petitioner was an active member of the unlawful assembly and all the members were armed with deadly weapons and caused a number of injuries to the complainant and one of the injury has been declared dangerous to life. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

11. The petition is dismissed.

12. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

13. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

December 10, 2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No