



CRM-M-45298-2024

-1-

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

CRM-M-45298-2024

Date of Decision: 12.09.2024

Harpreet Singh @ Honey

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sarju Puri, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Rajesh Bhardwaj, J.

1. The petitioner has approached this Court praying for grant of anticipatory bail in a case FIR No.56, dated 23.07.2024, registered under Sections 109, 118(1), 115(2), 324(4), 3(5), 351(2), 190 & 191(3) of BNS, 2023 at Police Station City Banga, District SBS Nagar.

2. Succinctly, facts of the case are that complaint was lodged by the complainant, namely, Gurdeep Singh @ Deepa, wherein, it was alleged that he had a dispute with Harpreet @ Honey (petitioner) and their inter-se dispute is already pending in the Court. On 22.07.2024 at about 5:30 p.m., the complainant alongwith his friend Jassa and a friend of Jassa went to the shop of Babbu Mann, who is the brother of Harpreet @ Honey for resolving the matter. However, neither Babbu Mann nor Harpreet @ Honey were present at the shop and the complainant alongwith his friends returned back. After some time, the complainant alongwith his friends Pulkit and David went towards the Chowk in Bediya Mohalla on scooter bearing No.PB-78-A-2582, where their scooter was hit from behind by a white Scorpio being driven by Harpreet @ Honey. As a result, they all fell down and ran away in different directions. However, the complainant was chased by Harpreet @



CRM-M-45298-2024

-2-

Honey and thereafter, he opened attack on the complainant with *Khanda* in his hand. The complainant was given repeated *khanda* blows. Not only this, accused-petitioner hit the scooter of the complainant with his Scorpio car so as to kill him. As the complainant had suffered serious injuries, his father arranged a vehicle and got him admitted at Guru Nanak Mission Hospital, Dhahan Kaleran. Prayer was made to take legal action against the accused. On the basis of the complaint, FIR was registered and the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Sessions Judge, SBS Nagar for grant of anticipatory bail, however, after hearing both the sides, the Court declined the same vide order dated 03.09.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the case in hand is of version and cross-version. He submits that it is the complainant side, who opened attack on the petitioner side and thus, they were the aggressors. It is submitted that the petitioner side was in their vehicle, whereas, the complainant side opened attack on them with deadly weapons and hence, they reversed their vehicle and tried to escape from there, they were way laid by the complainant side and were subjected to brutal assault. It is submitted that on account of rivalry already existed between both the sides, litigation is already going on between them and on account of the same, the petitioner has been booked in the present FIR by the complainant in connivance with the Police. He submits that all the alleged injuries were on the non-vital parts of the body of the



CRM-M-45298-2024

-3-

complainant and thus, no offence alleged under Section 109 BNS is made out. He thus submits that there being no *prima facie* case against the petitioner, he deserves to be granted anticipatory bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. On instructions, he has submitted that the petitioner has caused multiple injuries to the complainant. It is submitted that the Scorpio car being driven by the petitioner also hit the vehicle of the complainant. He further submitted that ocular version is duly medically corroborated. It is submitted that the investigation is at initial stage and thus, no ground is made out for the grant of anticipatory bail to the petitioner.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the present case is of version and cross-version. The allegations against the petitioner are specific in nature. As per MLR of the complainant-injured, there are 14 injuries out of which 12 injuries have been attributed to the petitioner. There are repeated blows of *Khanda* given by the petitioner to the complainant. Which party is the aggressor, is to be determined during the course of trial. However, it is apparent that the investigation is at initial stage and in all its probability granting anticipatory bail to the petitioner at this stage would definitely prejudice the on going investigation.

7. Hon'ble Supreme Court in State represented by CBI Vs. Anil Sharma, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a



favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he 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 task of disintering offences would not conduct themselves as offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the

extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

12.09.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No