

2024:PHHC:150384



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

102

CRM-M No.56583 of 2024
Date of decision: 14.11.2024

Ravi Kumar ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Nishan Singh Chahal, Advocate,
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab,
for the respondent-State.

Mr. Achin Gupta, Advocate and
Mr. Karan Bansal, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
382	19.10.2024	City Faridkot, District Faridkot	109 of Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 and 27 of Arms Act, 1959

2. As per the prosecution case, on 18.10.2024, on receipt of an

2024:PHHC:150384



information regarding an incident of firing having taken place in Guru Tegh Bahadur Nagar, a police party had rushed to the spot wherein it was revealed that the petitioner Ravi Kumar had fired a shot upon one Sunny Kumar. The said Sunny Kumar and his family was contacted who chose to record their statements by visiting the police station in the next morning. Then on 19.10.2024, the complainant Geeta Devi recorded her statement to the effect that that the petitioner was previously residing as a tenant in a room constructed on the roof of her house. As he was indulged into bad company, therefore, she had got that room vacated from him and eversince then the petitioner-accused was nursing a grudge with her son Sunny and used to find ways to harass and humiliate him. She further alleged that on 18.10.2024, she along with her son Sunny was standing at the gate of her house when the petitioner reached there being armed with a firearm and while proclaiming that he was teaching them a lesson to oust him from their house, he at once opened fire with the firearm towards her son. The bullet crossed over the head of her son Sunny. The petitioner then fired another shot but her son had narrow escape. On raising rescue alarm by them, the petitioner fled from the spot.

3. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the

2024:PHHC:150384



Court of learned Additional Sessions Judge, Faridkot vide order dated 30.10.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is inordinate and unexplained delay in lodging of the formal FIR which has created a serious dent in the prosecution story. No one was hurt in the alleged incident. No injury has been attributed to him. No recovery was effected from the spot neither any recovery is to be effected from him. Infact, he had gone out of station and on coming back, the complainant had not allowed him to enter in his rented accommodation. She has even seized the articles belonging to him and kept in his rented room. He has been falsely implicated in this case as he demanded his belongings from complainant. His custodial interrogation is not required. He is ready to join the investigation. Therefore, it is urged that the petition deserves to be allowed.

5. Per contra, learned State counsel who has advance notice of the petition and assisted by learned counsel for the complainant who has filed Vakalatnama today has argued that there are specific and serious allegations against the petitioner. The spent cartridges have been recovered from the spot. The custodial interrogation of the petitioner is required for recovery of the firearm as well as for conducting thorough investigation in the matter. No extraordinary and exceptional circumstance has been made out. Therefore, it is argued that the petition

2024:PHHC:150384



does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record.

7. The petitioner is alleged to have fired shots with a pistol upon the son of the complainant with an intention to kill him. As submitted by learned State counsel, recovery of spent cartridges has been effected from the spot. The allegations against the petitioner are serious in nature. Simply because of the reason that no one was injured in the incident, it cannot be stated that the occurrence did not take place. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. Moreso, it is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation

2024:PHHC:150384



of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

14.11.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No