

2024:PHHC:167612



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

102+213

CRM-48740 of 2024 in/and
CRM-M No.58614 of 2024
Date of decision: 12.12.2024

Narinder Singh ... Petitioner

Vs.

State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Pardhuman Garg, Advocate,
for the applicant-petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

Ms. Shivya Sehgal, Advocate,
for respondent No.2-complainant.

MANISHA BATRA, J. (Oral)

CRM-48740 of 2024

The application is allowed as prayed for and pendrive along
with Certificate under Section 63 of Bharatiya Sakshya Adhiniyam
(earlier Section 65-B Indian Evidence Act), is taken on record.

Main Case

1. The present petition has been filed by the petitioner under
Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short

2024:PHHC:167612



“BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
132	29.09.2024	Dakha, District Ludhiana Rural	115(2), 117 (2), 190, 191(3), 351 (2) and 351 (3) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (110 and 117 (4) of BNS added later on)

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant-Dalbir Singh alleging therein that he had performed marriage with Manjit Kaur on 05.07.2024. Manjit Kaur had left her matrimonial home on 16.07.2024. On 28.09.2024, he received a message through his friend that Manjit Kaur wanted to meet him at Baba Chicken, Mullanpur. On the same day, on receipt of this information, the complainant went to meet her at the shop of Baba Chicken Mullanpur wherein, she started hurling abuses to him. Then she called her brothers Parminder Singh and the present petitioner i.e. Narinder Singh. They along with unknown persons had reached there and opened an attack upon him. On exhortation made by Manjit Kaur, several injuries were caused by them with weapons which they were carrying in their hands and thereafter, Manjit Kaur along with the assailants had left the spot after extending threats to kill him. The motive behind the occurrence as attributed by the complainant was that he had filed a

2024:PHHC:167612



petition for restitution of conjugal rights against Manjit Kaur and she was pressurizing him to withdraw the same. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of pre arrest bail which had been dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 12.11.2024

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact on the fateful day, it was the complainant who had followed his sister Manjit Kaur and had physically assaulted her when she along with her daughters was present in a restaurant. Beatings to the complainant had been extended by the public persons who had gathered at the spot and not by the petitioner or co-accused. Neither the petitioner nor his brother Parminder Singh was present at the place of occurrence. Infact at the relevant time, he was present at a furniture shop named as J.S. Rai Furniture House at Mohali. This fact stands verified from the CCTV footage of the abovesaid furniture shop which has been converted into a pendrive and has been annexed with this petition. No specific injury has been attributed to him. His custodial interrogation is not required. Neither any recovery is to be effected from him. He is ready to join the investigation. The co-accused Manjit Kaur has been extended benefit of interim bail. His case is at parity. Therefore, it is urged that he deserves to be extended benefit of

2024:PHHC:167612



pre arrest bail.

4. Status report has already been filed by the respondent-State. Learned Senior Deputy Advocate General, Punjab assisted by learned counsel for respondent No.2-complainant has argued that there are specific and serious allegations against the petitioner. The plea of alibi as taken by the petitioner at this stage cannot be considered and the same can be raised only at the stage of trial. The complainant had sustained serious multiple injuries in the form of comminuted fractures both proximal end of right Tibia and Fibula and comminuted fracutres of Distal end of Left Tibia and Fibula of right shoulder. He had sustained injuries on his back also which could be dangerous to life. He was given oxygen support in ICU. No extraordinary and exceptional circumstances warranting extension of concession of anticipatory bail has been made out in favour of the petitioner. His custodial interrogation is required for conducting thorough investigation in the matter. Even otherwise, the contents of the pendrive show the presence of petitioner to be at some showroom at around 1:30 PM onwards whereas the time of occurrence was 12:30 PM. Therefore, it is urged that the petition does not deserve to be allowed.

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

6. The petitioner along with the co-accused and some unknown

2024:PHHC:167612



person is alleged to have formed membership of an unlawful assembly and in prosecution of common object thereof, he is alleged to have assaulted the complainant thereby causing simple as well as grievous injuries of such nature that if death of the complainant would have caused by the same, then the assailants would be guilty of culpable homicide not amounting to murder. As per the medico legal report, the complainant has sustained several grievous injuries in the form of comminuted fractures. There was excessive blood loss from his wounds. He was kept on oxygen support. A plea of alibi has been taken by the petitioner. The pendrive which has been placed on record and which is stated to be showing presence of the petitioner at some shop has been played on the official computer of this Court and has been seen which reveals that his presence at some other place is reflected at 1:31 PM onwards whereas the occurrence is alleged to have taken place at 12:30 PM. Notice can be take of the fact that the place of occurrence as well as the showroom wherein the petitioner is claiming to be present are situated within District Mohali and not at such distance wherein the petitioner could not reach within a short span of time. As such the plea of alibi as raised by the petitioner cannot be taken into consideration at this stage of deciding the petition for grant of anticipatory bail. The allegations against the petitioner are serious in nature. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. Moreso, it is well settled

2024:PHHC:167612



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 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.

2024:PHHC:167612



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

12.12.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No