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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.60619 of 2024
Date of decision: 03.12.2024

Lovepreet Singh and another ... Petitioners

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Dhiraj Jindal, Advocate,
for the petitioners.

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

Ms. Jaishree Kaushik, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioners under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in case arising out of FIR No.83 dated 12.09.2024 registered under Sections 110, 333, 115 (2), 351 (1), 191 (3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) at Police Station Longowal, District Sangrur, on the basis of statement recorded by the complainant Gurlal Singh alleging therein that on

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11.09.2024, his mother Sukhpal Kaur was standing near the gate of their house when the accused Jasvir Singh was spilling water in the street which had got accumulated in front of house of the complainant. On objection being raised by the mother of the complainant, the accused Sajjan Singh, Jasvir Singh and Gurdial Kaur had called bad names to the mother of the complainant. Sometime thereafter, the petitioners along with the co-accused had entered inside the house of the complainant and had opened an assault upon him. The petitioner Lovepreet Singh had struck a blow with an iron rod on the head of Sukhdev Singh, father of the complainant and struck a blow with the same on left leg of the complainant due to which the same was fractured whereas the petitioner Jaspreet Singh struck blow with iron rod on his right leg thereby causing grievous injury to him. Thereafter they had fled away. Apprehending their arrest, the petitioners moved application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Sangrur vide order dated 22.11.2024.

2. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. There is delay of one and half days in lodging of the FIR. Three of the co-accused have been extended benefit of pre arrest bail. Only simple injuries have been sustained by the victims. The custodial interrogation of the petitioners is not required. They are ready to join the investigation. No recovery is to be effected from them. On the ground of parity also, they deserve to be given benefit

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of pre arrest bail and, therefore, it is urged that the petition deserves to be allowed.

3. Per contra, learned State counsel who has advance notice of the petition assisted by learned counsel for the complainant has submitted that there are serious and specific allegations against the petitioners who by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, had opened an assault upon the complainant and his father and had caused several injuries to them with an intent to kill them. Specific acts have been attributed to the petitioners. Their custodial interrogation is required for thorough investigation in the matter by the police. No exceptional and extraordinary circumstance has been made out to extend benefit of bail to the petitioners. Therefore, it is argued that the petition does not deserve to be allowed.

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

5. The petitioners are alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, both the petitioners had assaulted the complainant and his father. Specific overt acts have been attributed to both of them. For conducting thorough investigation in the matter, the custodial interrogation of the petitioners is must. Moreso, it is well settled proposition of law that arrest is a part of procedure of the investigation to

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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.

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

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case.

03.12.2024

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No