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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.61503 of 2024
Date of decision: 09.12.2024

Jashandeep Singh ... Petitioner
Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sandeep Singh, Advocate,
for the petitioner.

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

Mr. Rahul Deswal, 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
169	18.10.2024	Lehra, District Sangrur	109, 115 (2), 3 (5) and 351 (3) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of statement recorded by the complainant Balveer Kaur on 18.10.2024

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alleging therein that on 15.10.2024 at about 3-4 PM, she was standing in the street in front of her house along with her son Chamkaur Singh when the petitioner (wrongly named as Jaskaran Singh) along with co-accused Varinder Singh reached there in a white coloured car. One more person was also present in the said car. The petitioner and co-accused Varinder Singh started hurling abuses to her son. With the intervention of public persons who were passing through the spot, they left while extending threats to them. On the same evening, when the complainant along with her son was going towards the river of her village, the present petitioner accompanied by co-accused Varinder Singh in the same car reached there and with an intention to cause hurt to her son, hit him with his car due to which he sustained injuries on his right leg and the same was crushed with the wheels of the car. Even thereafter by alighting from the car, they extended beatings to her son and then fled away. The injured Chamkaur Singh was immediately taken to hospital. His leg was amputated due to the impact of the injuries sustained by him. The investigation is underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which had been dismissed by the Court of learned Additional Sessions Judge, Sangrur vide order dated 13.11.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of three days in lodging of the FIR. He was not named in the FIR rather it was some Jaskaran Singh who was named as such and the prosecution version is

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quite improbable and unnatural. Infact, it was a case of accident with the vehicle driven by the co-accused Varinder Singh. The victim Chamkaur Singh had sustained injury in the accident and no intentional hurt was caused to him. The petitioner was not even driving the vehicle. The complainant and her family had been demanding a sum of Rs.10 lakhs to settle the matter and due to not meeting with the said demand, the present FIR had been lodged. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is urged that the petition deserves to be allowed.

4. Per contra, learned Senior Deputy Advocate General, Punjab assisted by learned counsel for the complainant who has filed Power of Attorney and has placed on record certain photographs of the injured, has vehemently argued that there are serious and specific allegations against the petitioner who in common intention with the co-accused had made an attempt to kill the victim Chamkaur Singh, son of the complainant. Due to the injuries sustained by him as a result of crushing of his right leg with the vehicle occupied by the petitioner and co-accused, the same has even been amputated. The petitioner and co-accused with intention to cause his death, had hit the victim with their vehicle. The custodial interrogation of the petitioner is required for conducting thorough investigation in the matter. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable

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length and have gone through the record.

6. The petitioner in pursuance of his common intention with the co-accused is alleged to have hit the victim Chamkaur Singh with a car bearing registration No.PB-31X-6223 which was driven by the co-accused Varinder Singh but was occupied by him as well. The right leg of the victim has been amputated due to impact of the injuries sustained by him in the occurrence. There are specific allegations against the petitioner. Simply because his name had not been correctly mentioned in the FIR, he does not become entitled to be extended benefit of pre arrest bail since it is not in dispute that he was present along with the co-accused at the time of incident. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. 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 custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced

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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.

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

09.12.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No