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

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CRM-M-82 of 2025
Date of Decision: 08.01.2025

Parwinder Singh Kaira @ Mintu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Swati Batra, DAG, Punjab.

Mr. Shivya Sehgal, Advocate for the complainant (through VC).

Manisha Batra, J.(Oral)

1. Through the instant petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita 2023 (for short-‘BNSS’), the petitioner seeks anticipatory bail in case bearing FIR No.132 dated 29.09.2024 under Sections 115(2), 117(2), 190, 191(3), 351 (2 & 3) of B.N.S., 2023 (Sections 110 and 117(4) of BNS added later on), registered at Police Station Dakha, District Ludhiana (Rural).

2. The aforementioned FIR was registered on the basis of statement got 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

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hurling abuses to him. Then she called her brothers Parminder Singh and the present petitioner i.e. Narinder Singh. They along with some 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 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 26.11.2024.

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 Narinder Singh were present at the place of occurrence. In fact, the brother of the petitioner was present in some shop at Mohali. He has been found to be innocent and an entry bearing GDR No.12 dated 12.12.2024 has been made by the investigating agency in this regard. No specific injury has been attributed to the petitioner also. 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 pre arrest bail.

4. *Vakalatnama* filed by learned counsel for the complainant is taken on record. Learned Deputy Advocate General, Punjab assisted by learned counsel for the 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 fractures 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. 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 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



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blood loss from his wounds. He was kept on oxygen support. The petitioner has not brought any material on record to prove his plea of alibi at this stage. This fact has to be taken into consideration by the learned trial Court at the appropriate stage. There are serious and specific allegations against the petitioner. For the purpose of conducting proper and thorough investigation in the matter, the custodial interrogation of the petitioner is must. Even otherwise, it is well settled proposition of law that powers for grant of pre-arrest bail are exceptional and extra ordinary in nature and are to be exercised sparingly 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. It is also well settled proposition of law that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well abscond with a favourable order of anticipatory bail and the Court should not grant pre-arrest bail as a matter of rule. In the present case, no exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is required. 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 clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

08.01.2025
D.Bansal