



CRM-M-1595-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

102

CRM-M-1595-2025

Date of decision: 15.01.2025

Baljeet Singh @ Gora

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Varun Sharma, Advocate for the petitioner.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.0073 dated 22.06.2024, registered for the offences punishable under Sections 341, 323, 324, 148, 149 of IPC and Section 326 of IPC (added later on) at Police Station Nakodar Sadar, District Jalandhar Rural
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Statement of Harmanpreet Singh son of Rupinder Singh resident of Bath, PS Nurmehal, District Jalandhar, Age about 25 Years, Mob. No. 81464-19434. I hereby state that I am resident of afore-mentioned address and I drive bus of DIPS School Nurmehal. On dt. 20.06.2024 I and Ajay Thapar resident of Dhaliwal, Gurpreet Singh resident of Bhandala, Mahi resident of Chanian and Ajay Kumar resident of Bath were going from Nakodar to Dhaliwal side by riding on our motorcycles. When we reached near Bus Stand Sarinh then Gora, Pava, Inderjit Singh @ Kala residents of Tahli, Mani resident of Sarinh, Rahul son of Kala resident of Chanian and 14/15 other unidentified youths who were with them who were on motorcycles and scooty stopped us near Bus Stand Sarinh. All of them were holding datars, swords and baseball dandas in their hands. Straightway after



CRM-M-1595-2025

2

stopping us Rahul son of Kala resident of Chanian raised lalkara that get hold of them, today do not spare them, teach them a lesson for fighting with us. Then Rahul gave blow of datar, which he was holding in his hand, on me which hit on my head. Then Gora gave blow of sword, which he was holding in his hand, on me which also hit on my head and I fell down. Then Inderjit Singh @ Kala, Pava, Mani and other unidentified youths gave many blows with weapons which they were holding in their hands on me. When my friend Ajay Thapar moved forward to save me then they inflicted injuries to him also. Our other friends who were with us saved their lives by running away from the spot. Then commuters arranged vehicle and admitted me at CH Shankar for medical treatment, from where I was referred to CH Jalandhar and from CH Jalandhar I was referred to Guru Nanak Dev Hospital Amritsar, where, I am under medical treatment. Reason for grudge is that Rahul son of Kala resident of Chanian and Mahi resident of Chanian are not on good terms with each other. Due to this grudge they have inflicted injuries to me and Ajay Thapar. I am giving this statement in presence of my father Rupinder Singh. Legal action be taken against them. Statement heard, is correct. Sd/- Harmanpreet Singh, Sd/- Rupinder Singh. Attested, Sd/- Harjit Singh SI I/C PP Shankar PS Sadar Nakodar Date 22.06.2024. Police Proceedings:- On dt. 20.06.2024 ASI Manjit Singh was present at police post and in the meantime MLR No. AS/13/Shankar/2024 Dated 20.06.2024 of Harmanpreet Singh was received, in which doctor sahib has written that patient has been referred to CH Jalandhar. In respect to which, DDR No. 37 Dated 20.06.2022 was registered. On dt. 21.06.2024 one MLR No. 72/KH/Shankar/2024 Dated 21.06.2024 of Inderjit Singh was received. Whereupon, I, SI alongwith co-employee went to CH Shankar and inquired about patient from doctor sahib and doctor sahib wrote that patient has been referred to CH Jalandhar. In respect to which, DDR No. 27 Dated 21.06.2024 was registered. Today dt. 22.06.2024 information was received on telephone that Harmanpreet Singh son of Rupinder Singh is admitted at Guru Nanak Dev Hospital Amritsar. Whereupon, I, SI alongwith Ct. Gurinder Singh No. 1744/JAL, PHG Rakesh Kumar 27762 came at Guru Nanak Dev Hospital Amritsar and obtained written opinion about patient Harmanpreet Singh from doctor sahib and doctor sahib wrote patient fit for statement. Whereupon, I, SI alongwith co-employees came at the bed of Harmanpreet Singh, and Harmanpreet Singh alongwith his father Rupinder Singh was found present on his bed, who recorded his aforementioned statement to me and his statement was read over to him after



CRM-M-1595-2025

3

writing and after admitting his statement to be correct he gave his signature in English below his statement, his father witnessed the statement by giving his signature and I, SI attested the statement. In MLR No. AS/13/Shankar/2024 Dated 20.06.2024 of Harmanpreet Singh total 7 injuries are written inflicted. Injury no. 1,2,3,4 and 7 Sharp, Injury No. 5 Blunt, Injury No. 6 written Blunt if Any and all injuries are kept under X-Ray. From statement and MLR, prima- facie offence punishable under sections 341,323,324,148,149 IPC is made out. At receipt of X-Ray Reports of afore-mentioned injuries, action shall be taken as per findings. Statement is being sent to police station by the hand of PHG Rakesh Kumar 27762 for registration of FIR. Number be intimated after registration of FIR. Intimation be given to Circle Officer and at control room. I, SI alongwith co-employees am departing for the place of occurrence. Today present at Guru Nanak Dev Hospital Amritsar at 04:10 PM. Sd/- Harjit Singh SI I/C PP Shankar PS Sadar Nakodar Date 22.06.2024. Today at police station:- At receipt of statement at police station, present FIR is registered under afore-mentioned sections. After registration of FIR, original statement along with computerized copy of FIR is being sent by the hand of coming PHG to SI at the spot for investigation. Intimation is being given at control room. SHO informed on phone.”

3. Learned counsel for the petitioner iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the motive attributed to the alleged altercation bears no connection to the petitioner, as the rivalry in question was an ongoing dispute between the co-accused Rahul and Mahi, a friend of the complainant. Therefore, it is highly improbable to link the petitioner to the alleged motive. Learned counsel asserts that the petitioner has a clean antecedent with no prior accusations. It is next submitted by the learned counsel that the petitioner is willing to fully cooperate with the investigation and shall appear before the investigating agency as and when directed. It is next submitted by the learned counsel that no recovery is to be effected from



CRM-M-1595-2025

4

the petitioner or at his instance. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. It is lastly submitted by the learned counsel that the present petition be allowed and the petitioner be granted the concession of the anticipatory bail.

4. On the strength of advance notice, Mr. Yuvraj Singh, AAG Punjab has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. He submits that the petitioner is alleged to have given a '*kirpan*' blow on the head of the complainant-injured i.e. the vital part of the body and the said injury has been declared grievous in nature.

5. I have heard the learned counsel for the petitioner and have gone through the available record of the case.

6. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022***, relevant whereof reads as under:

"74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information."



xxx xxx xxx xxx

75. Observing that the arrest is a part of the investigation intended to secure several purposes, in **Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]** , it was held as under : (SCC p. 313, para 19)

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

76. In **Siddharam Satlingappa Mhetre v. State of Maharashtra [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]**, the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to Siddharam Satlingappa Mhetre [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai**



Prakash Singh v. State of Bihar [Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468] , the Supreme Court held as under : (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See **D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345]** , **State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176]** and **Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1]** .)”

Economic offences

78. Power under **Section 438 CrPC** being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In **Directorate of Enforcement v. Ashok Kumar Jain [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510]**, it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In **Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1**, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”



CRM-M-1595-2025

7

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* was lodged on a statement made by the complainant namely Harmanpreet Singh, son of Rupinder Singh, who alleged that on June 20, 2024, he along with Ajay Thapar, Gurpreet Singh, Mahi and Ajay Kumar was travelling on their respective motorcycles from Nakodar to Dhaliwal. Upon reaching the bus stop at Sarih, they were intercepted by the accused Gora (petitioner herein), Pawa, Inderjit Singh alias Kala, Mani, Rahul and 14-15 unidentified person who were also on motorcycles and scooters. It was alleged that the said group, armed with datars, kirpans and baseball bats, stopped them. Accused Rahul raised a *lalkara*, shouting that they should be caught and taught a lesson for a previous altercation. Thereafter, the said accused struck Harmanpreet (complainant) on the head with a *datar*. Following this, accused Gora (petitioner herein) inflicted another blow on his head with a *kirpan*, causing him to fall to the ground. Accused Inderjit Singh alias Kala, Pawa, Mani and the unidentified person further assaulted him with their respective weapons. When Ajay Thapar attempted to intervene, the attackers turned on him and injured him as well. The rest of his friends managed to flee the scene of occurrence to save their lives. Subsequently, some passerby transported the Harmanpreet to Civil Hospital Shanker from where he was referred to Civil Hospital, Jalandhar and later to Guru Nanak Dev Hospital, Amritsar. As per MLR, the complainant has received the following injuries:-

- (i) *Incised wound scalp 10 x 1 cm on left side of scalp bone deep, space/gap inside the skull felt, oozing of blood was present, patient was not able to move right leg, pupil b/I equally reactive to light no h/o vomiting, ent bleed seizure. Advised surgeon opinion and management NCCT head.*



CRM-M-1595-2025

8

- (ii) *Incised wound scalp 5 x 1 cm on occipital side of scalp, oozing of blood was present. Advise surgeon opinion and management NCCT head.*
- (iii) *Incised wound at right elbow joint 1 x 1 cm spindle shaped oozing of blood was present. Advised X-ray right elbow joint with forearm AP lateral ortho opinion and management.*
- (iv) *Incised wound at left leg 10 cm from ankle joint 2 x 1 cm obliquely placed, oozing of blood was present. Advised Ortho opinion and management. X-ray left leg with ankle joint AP lateral.*
- (v) *Reddish abraded contusion back at chest region 10 x 2 cm tenderness was present. Advised X-ray chest AP view X-ray thoracic spine AP lateral. Ortho opinion and management.*
- (vi) *Pain in back at Lumber spine region. No visible external injury was present. Advised X-ray lumber spine AP lateral with ortho opinion and management.*
- (vii) *Reddish linear abraded contusion at right arm 10 x 0 cm. Advised X-ray right arm with shoulder joint with ortho opinion and management.*

The injury which has been inflicted with a *kirpan* on the head of the complainant i.e. injury No.(ii) and has invoked the offence under Section 326 of IPC is attributed to the petitioner. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. The medical record, as available presently, seems to be corroborating the prosecution/complainant version that the petitioner (herein) has caused the injury which has invoked Section 326 of IPC. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner along with co-accused and as part of an unlawful assembly, acted in furtherance of their common object to inflict multiple injuries upon the complainant party.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to



CRM-M-1595-2025

9

the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. It is alleged that the injuries marked as Nos.(i) and (ii) have been classified as grievous in nature. As per the case of the prosecution, injury No.(ii) is specifically attributed to the petitioner (herein). The medical records substantiate the nature and extent of the injuries sustained by the complainant party. The material which has come on record, including the medical evidence and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]***, the Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a



responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

9. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.
10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

January 15, 2025
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No