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

CRM-M-4589-2025

Decided on: 28.01.2025

Ramjan Muhamand

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Maneesh Bali, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.138 dated 14.05.2024, registered under Sections 307/323/324/326/363/452/427/148/149/120-B IPC and Sections 25/27 of Arms Act, at Police Station Phillaur, District Jalandhar.
2. Succinctly facts of the case are that FIR in the present case was lodged on the statement of Godawar Singh. It was alleged that on 14.05.2024, when he was present in his Haveli at village Sailkiana at about 2:15 in the afternoon, he came to know that few persons attacked his house. He reached there in his car and on reaching he found that Bunti @ Ravi armed with pistol and Heera were coming towards him alongwith 20-25 unknown accomplices. Bunti @ Ravi raised *lalkara* saying that he would not be spared today. Four bullets were fired towards him, but the shots missed. Thereafter, they attacked him with swords, base ball bats and *Khandas*. He started bleeding profuse and reached his house at about 02:15 p.m., the attackers came outside the house riding different vehicles. They broke open the gate of his house and vandalize his car, which was parked



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outside the house. His family members were scared. The assailants chase them to the upper floor of their house. Bunti @ Ravi and Heera challenged that they would take his daughter Anju Sahni with them. Thereafter, they kidnapped his daughter Anju Sahni and took her in their vehicle. It was alleged that motive behind the attack was that his daughter Anju Sahni had earlier ran away with Bunti @ Ravi, but thereafter, she returned home. On account of the same, their family was attacked by the assailants. Request was made to take legal action against the culprits. On the registration of the FIR, investigation commenced. During the investigation, complicity of the petitioner surfaced and DDR No.14 dated 24.11.2024 was registered and hence, the petitioner was also arrayed as an accused in the FIR. Apprehending arrest the petitioner approached the Court of learned Additional Sessions Judge, Jalandhar, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 28.11.2024. Hence, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that neither the petitioner is named in the FIR nor any overt act has been attributed to him. He submits that name of the petitioner has been arrayed as an accused after six months from the registration of the FIR on the basis of the disclosure statement of co-accused Rajinder Singh. He submits that motive for the alleged occurrence, if at all was with co-accused Bunti @ Ravi with whom daughter of the complainant had eloped. He, thus, submits that there being no *prima facie* case having been made out against the



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petitioner, he deserves to be granted anticipatory bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner alongwith the co-accused trespassed the house of the complainant and committed heinous offence. It is submitted that the investigation would be adversely effected, if the petitioner is granted anticipatory bail at this stage. He thus, submits that the petitioner does not deserve the grant of anticipatory bail.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged occurrence has taken place on 14.05.2024. As per allegations made in the FIR, the assailants opened brutal attack on the complainant and his family. They broke open the door of the house and kidnapped his daughter after causing serious injuries to the complainant. During the investigation, complicity of the petitioner was also *prima facie* found and thus, he was arrayed as an accused. Needless to say that the investigation is at threshold. The allegations are serious in nature.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such*



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directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he 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 task of disintering offences would not conduct themselves as offenders."



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8. Hon'ble Apex Court in plethora of judicial precedents including Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

28.01.2025
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No