

2025:PHHC:029322



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.3832 of 2025
Date of Decision: 28.02.2025
Reserved on: 24.02.2025

Sarabjit Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harpal Singh Sidhu, Advocate,
for the petitioner.

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

Mr. Brijesh Nandan, Advocate,
for the complainant.

MANISHA BATRA, J.

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
94	31.08.2024	Bhikhiwind, District Tarn Taran	117(1), 118, 333, 324 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (109 and 117(2) of BNS added later on)

2. As per the allegations, the complainant and the petitioner were living in the same neighbourhood. Electric supply to their houses was coming form the same source. The petitioner used to disrupt the

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electric supply to the house of the complainant by fiddling with supply line and in this regard, the complainant had expressed his concern to the petitioner. Offended with the same, the petitioner along with the co-accused and 4-5 unknown persons criminally trespassed in his house on the night of 12.08.2024 and they opened an attack upon the complainant. The co-accused Kashmir Kaur had made an exhortation instigating others to kill the complainant and the petitioner struck blow with a datar on the right shoulder of the complainant whereas co-accused Dharampreet Singh struck a blow with sword thereby amputating the little finger of his right hand. Accused Gurdit Singh caused injuries with an iron rod on his legs leading to causing of fractures. The victim had fallen down and was still assaulted. The assailants left his house after causing damage to the window panes. After registration of FIR, investigation proceedings were initiated. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Principal District & Sessions Judge, Tarn Taran vide order dated 07.01.2025.

3. It was argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is a case of version and cross version. Infact, he too had sustained five injuries which are simple as well as grievous in nature in the same incident. There is delay of 18 days in lodging of the FIR. The injuries on the person of the complainant were self suffered. He is ready to join the investigation. His custodial interrogation is not required. Neither any recovery is to be effected from him. Therefore, it was urged that he deserves to be given benefit of pre arrest bail.

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4. Status report had already been filed by the respondent-State. Learned Senior Deputy Advocate General, Punjab assisted by learned counsel for the complainant had argued that there are serious allegations against the petitioner who in furtherance of his common intention with the co-accused had inflicted as many as 22 injuries on the person of the complainant. As many as seven injuries sustained by the complainant have been opined to be grievous in nature and also dangerous to life. The custodial interrogation of the petitioner is required for conducting thorough investigation in the matter by the police. He had taken an active part in the occurrence and the injuries No.1 to 4, 6, 8, 14 and 22 were sustained by the complainant at the hands of the petitioner. There are chances of his tampering with evidence or intimidating the witnesses if extended benefit of pre arrest bail. Therefore, it was urged that he does not deserve to be given benefit of pre arrest bail.

5. Learned counsel for both the parties were heard at considerable length.

6. The petitioner along with the co-accused is alleged to have caused several injuries to the victim-complainant on 12.08.2024. A cross case bearing GD No.28 has been registered on the basis of statement of a family member of the petitioner. As per the medico legal report dated 13.08.2024, the petitioner had also sustained five injuries, two of which were grievous in nature, however, the injuries which have been attributed to him qua the complainant are much more in number, seven of them have been declared to be grievous in nature. As per the status report, these injuries have

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also been opined to be dangerous to life. The allegations against the petitioner are grave in nature. 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's 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 an 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. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no

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ground has been made out for allowing the petition. 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.

28.02.2025
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(MANISHA BATRA)
JUDGE

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