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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.7475 of 2025
Date of decision: 24.02.2025

Amandeep Singh @ Pindi Johal ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Zorawar S Chauhan, Advocate,
for the petitioner.

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

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
0082	27.06.2024	Goraya, District Jalandhar Rural	323, 324, 506, 148 and 149 of IPC (325 and 326 of IPC added later on)

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the basis of statement recorded by the complainant Bhupinder Singh alleging that on 19.06.2024, he along with his employee Ram Murti was working in

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his farmhouse when three youths riding on two bikes reached there. One of them was having muffled face and extended threats to the complainant to not to run away or he would be shot at. The complainant identified the remaining two as the petitioner and the co-accused Manga. Both of them were having iron datars and they at once opened an attack upon the complainant thereby causing injuries on his left and right legs. He fell down and then also all of them caused injuries with their respective weapons to the complainant. He tried to run away and raised alarm. His employee Ram Murti rushed for his rescue. Thereafter, the assailants fled away from the spot while extending threats to the complainant. He was rushed to hospital and was treated. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Jalandhar vide order dated 18.01.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of eight days in reporting the matter to the police which has not been explained. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. Therefore, it is urged that he deserves to be given benefit of anticipatory bail.

4. Ms. Ruchika Sabherwal, Sr. DAG, Punjab has advance notice

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of the petition and is ready to argue the matter. It is submitted by her that there are serious and specific allegations against the petitioner. The ruqa to the police was sent just next day after the incident but since the victim was opined to be unfit to make statement, therefore, the FIR was registered after a gap of eight days. The victim has sustained as many as 19 injuries, 5 of which have been opined to be grievous in nature. Two of the grievous injuries as well as simple injuries have been attributed to the petitioner. His custodial interrogation is required for conducting thorough investigation by the police. Even otherwise, no extraordinary or sparing circumstance has been made out. 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 is alleged to have opened an attack upon the complainant as on 19.06.2024 and is further alleged to have caused simple as well as grievous injuries to him. The victim had sustained substantial grievous injury. The allegations against the petitioner are serious 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

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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 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.

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

24.02.2025
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(MANISHA BATRA)
JUDGE

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