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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.9456 of 2025
Date of decision: 11.03.2025

Manjinder Singh alias Maninderjit Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amit Arora, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, 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
249	25.08.2019	Sadar Tarn Taran, District Tarn Taran	326, 324, 295, 323, 148 and 149 of IPC

2. As per the allegations, there was a dispute over property between Sukhwinder Singh and his brother Surjit Singh who are co-villagers of the complainant Joginder Singh. A meeting had been convened on 16.08.2019 to resolve that dispute. The complainant along with other respectable members of the village was present near the house

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of Surjit Singh. As soon as the conversation to resolve the differences was initiated, the accused Surjit Singh and Amar Kaur made an exhortation to catch hold of the complainant and other persons present there and to teach them a lesson for getting their land divided. Then the accused Surjit Singh and Surinderpal opened an assault upon Surjit Singh Member Panchayat whereas the present petitioner struck a blow with datar to the complainant thereby injuring his left arm. The remaining assailants along with 7-8 unknown persons also joined them and extended beatings to the complainant, Surjit Singh, Member Panchayat and Diwan Singh, removed their turban and dragged them by their hair. On raising alarm by the victims, the assailants fled away. After registration of FIR, investigation proceedings were initiated. The accused Surjit Singh, Amarjit Kaur, Satinder Singh, Gurjinder Singh, Punjab Singh and Akashdeep Singh have been extended benefit of pre arrest bail. Offence under Section 201 of IPC was added later on. Investigation is still underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Sessions Judge, Tarn Taran vide order daed 07.10.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of nine days in reporting the matter to the police which has not been satisfactorily explained thereby rendering the entire story of the complainant to be

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doubtful. Infact, it is a case of inflicting of injuries by the victims themselves in order to exert pressure on the petitioner to enter into a compromise with his brother. The petitioner is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that the petitioner by forming a membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly, had opened an attack upon the members of the complainant party on 16.08.2019 and had casused simple as well as grievous injuries to them. The petitioner had inflicted injury with a sharp edged weapon on the left arm of the complainant Joginder Singh. This injury has been opined to be grievous in nature. The weapon used by the petitioner is yet to be recovered. The custodial interrogation of the petitioner is required for conducting proper investigation in the matter. No exceptional circumstance has been made out. Therefore, it is argued 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 is alleged to have inflicted a grievous injury on the person of the complainant with a sharp edged weapon on the fateful

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day being a member of unlawful assembly with the co-accused. He is prima facie vicariously liable for the commission of the offences under which he along with the co-accused has been booked. The allegations against him are serious in nature. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. 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. 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.

(MANISHA BATRA)
JUDGE

11.03.2025

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No