



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

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CRM-M-9079-2025

Date of decision: 27.03.2025

Satnam Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. Jasjeet S. Dhaliwal, AAG Punjab.

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.327 dated 26.07.2024, registered for the offences punishable under Sections 112(2), 115(2), 117(2) (offence added later on vide GD No.53 dated 08.10.2024), 126(2), 190, 191(3), 304(2), 351(3) of BNS, at Police Station Zirakpur, District SAS Nagar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"Cory of DDR No.42 dated 22-07-2024, "It is entered that at this time, I Head Constable, who had departed vide Rapat Rojnamcha No.06, came to Police Station, the contents of which are, "Statement of Manish Madhwa son of Subhash Chand resident of #09, Parwati Enclave, Baltana, Police Station Zirakpur, District SAS Nagar, aged about 52 years, Mob. 98720-29413. Stated that I am resident of above mentioned address and is doing work of Taxi Cab. Parminder Singh son of Satnam Singh resident of Fazilka and Manjeet Singh son of Avtar Singh resident of Village Bathonian, Rajpura had a joirit business in the name of VIP Cabs at VIP Road, Zirakpur, Opposite Penta Homez. On some account, there arose



some differences between Parminder Singh and Manjeet Singh and both of them separated and started their respective Cab businesses. Since past few days, there was some dispute between both of them on account of this business, due to which, Parminder and his friends asked me that you are a respectable person, get or compromise effected and talk with Manjeet, following which, yesterday on 21.07.24 at about 6.00 PM, I went to the office of Manjeet situated at Shaheed Bhagat Singh Travels/VIP Cabs, Opposite Penta Homez, VIP Road, Zirakpur. Then outside his office, his driver met, whose name is not known to me, who told me that Manjeet is not available in the office, following which, I asked his driver that I will come back again in the night, you ask to Manjeet to remain present in the office, I have to discuss some matter. Thereafter, I along with my driver Ankit reached in the parking outside his (Manjeet) office at about 11.00 PM in my Ertiga Car bearing Temp. Number and stepped down from car. Then out of Manjeet's office, suddenly, Manjeet, his brother Lakhwinder Singh alias Lucky, Goldy alias Satnam Singh resident of Patiala, Harwinder Singh alias Baba resident of Rajpura, his drivers Roop, Iqbal, Prince and 10-12 unknown persons, whose names are not known to me, but can be recognized on coming before me, came towards the parking, who were armed with Dandas, swords, iron pipes, Gandas and other deadly weapons. After coming, they started beating me with their weapons. Firstly, Harwinder Singh alias Baba gave a blow upon me with Danda carried by him in his hand, however, in order to save myself, I brought forward my left hand/arm, following which, the Danda hit on my left arm and the Danda got broken. Thereafter, Prince gave a blow upon me with rod carried by him in his hand, which hit on my right arm. Thereafter, Satnam Singh alias Goldy gave a blow upon my head with Sword carried by him in his hand. Thereafter, Manjeet Singh and Lakhwinder alias Lucky gave blows upon my head one by one with the swords carried by them in their respective hands. Thereafter, Roop, Iqbal and Prince drivers gave blows upon my legs and other body parts with the Dandas carried by them in their respective hands and the unknown boys also beaten me with their respective weapons and attributed injuries to me. Thereafter, Prince taken out cash of Rs.30,200/- out of pocket of my pant and handed over the same to Manjeet. Thereafter, Manjeet broke the gold chain worn by me in my neck and also took my mobile. Thereafter, all of them fled away from the spot along with their respective weapons while giving life threats. Thereafter, I saw that my driver Ankit had already ran away along with the car to save his life. Thereafter, I woke up courageously and reached the office of Parminder, from where, his office workers brought me to



GMCH, Sec-32, Chandigarh for treatment, where, I am under treatment. Kindly take required legal action against Manjeet and above said persons. Statement got recorded to you, heard, which is correct. L.T.I. Manish Wadhwa. Attested Sd/-Malkeet Singh HC/1544, Police Station Zirakpur dated 22.07.2024.”

3. Learned counsel for the petitioner iterated that the petitioner has been falsely implicated into the FIR in question. As per the complainant, the petitioner inflicted a sword blow – a sharp edged weapon, on the head of the complainant. However, beyond this claim, no other specific allegations have been made against the petitioner. Furthermore, the medico legal report (MLR) does not corroborate this assertion as it does not document any injury caused by a sharp edged weapon. As per the MLR, the complainant sustained five to six injuries, all of which are explicitly classified as blunt in nature. Despite this, the complainant subsequently introduced an embellished version of events, deceitfully incorporating allegations of attacks with sharp edged weapons such as sword. According to learned counsel, the petitioner has been accused of delivering a sword blow on the head of the complainant – an assertion that is entirely unsubstantiated by medical evidence. This glaring discrepancy unequivocally demonstrates that the complainant’s account is a fabricated and no such injury was ever inflicted by the petitioner. It is further submitted by learned counsel that the incident in question is alleged to have occurred in a populated area of Zirakpur, where vehicular movement remains active throughout the night. Despite this, no independent witness has come forward to corroborate the complainant’s version of events. Therefore, it is highly improbable to link the petitioner to the alleged offence. Learned counsel asserts that the petitioner is an innocent individual who has been wrongfully accused of an



offence he never committed. Moreover, the present FIR appears to be nothing more than a calculated attempt to harass and humiliate the petitioner. It is further 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. Learned counsel further asserts that the co-accused of the petitioner namely Iqbal Singh, Roop Singh, Manjit Singh, Harwinder Singh @ Bawa and Lakhvinder Ram alias Lakvinder Singh alias Lucky have already been granted the concession of regular bail by coordinate Bench of this Court. It is next submitted by the learned counsel that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the basis of the aforementioned submissions, the grant of the instant petition is entreated for and the petitioner be granted the concession of the anticipatory bail.

4. Conversely, learned State counsel 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 actively participated in the incident and is alleged to have a '*kirpan*' blow to the head of the complainant-injured which is a vital part of the body. On account of the said blow, 35 stitches were administered to the complainant thereby underscoring the gravity of the offence. Additionally, a non-contrast computed tomography (NCCT) scan of the head of the complainant was conducted, which reportedly revealed a fracture. Given the severity of the allegations, the extent of the injuries sustained and the necessity for custodial interrogation, the dismissal of the instant petition is prayed for.



5. I have heard the learned counsel for the rival parties 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
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.”

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 the basis of a complaint filed by the complainant namely Manish Kumar with regard to an incident that allegedly occurred on 21.07.2024. The complainant, who is engaged in the taxi business, stated that there was a business dispute between Parminder Singh and Manjit Singh, who previously used to operate a joint taxi business but subsequently parted ways due to disagreements. Overtime, tensions escalated between them in relation to business matters. Parminder Singh and his associate allegedly sought the assistance of the complainant in resolving the ongoing dispute. In furtherance of this request, on 21.07.2024 i.e. the alleged day of the occurrence, at about 06:00 P.M., the complainant visited the office of Manjit Singh but did not find him there. Later that night, upon arriving at the office premises of Manjit Singh and while entering the parking area, the complainant was allegedly ambushed by Manjit Singh, his brother



Lakhwinder Singh @ Lucky, Goldy @ Satnam Singh (petitioner herein), Harwinder Singh @ Baba, his driver Roop, Iqbal, Prince and approximately 10 to 12 other unidentified persons purportedly armed with wooden sticks (*dandas*), swords (*kirpans*), iron rods and axes (*gandasas*). It is alleged that accused Harwinder Singh @ Baba struck the complainant with a wooden stick which the complainant attempted to block with his left hand, causing the wooden stick to break upon impact. Thereafter, accused Prince allegedly assaulted the complainant with an iron rod, striking his right arm, while Goldy @ Satnam Singh (petitioner herein) purportedly inflicted a kirpan blow on the head of the complainant. Furthermore, accused Manjit Singh and Lakhwinder Singh @ Lucky are alleged to have attacked the complainant with wooden sticks, targeting his legs and other parts of his body while the remaining unidentified assailants inflicted further injuries with their respective weapons. Before fleeing the scene, the accused persons allegedly issued criminal threats against the complainant. Upon examination, the Medico Legal Report (MLR) records six injuries on the person of the complainant.

The injury which has been inflicted with a *kirpan* on the head of the complainant on account of which 35 stitches were administered to the complainant's head 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 purportedly seems to be corroborating the prosecution/complainant version that the petitioner (herein) has caused the injury on the head of injured Manish and fractured the right parietal bone. 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 reckon with the magnitude and nature of the offence; the role attributed to 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. The medical records substantiate the nature and extent of the injuries sustained by the complainant. The material which has come on record 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

March 27, 2025
Ajay

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