



CRM-M-9727-2025

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

**CRM-M-9727-2025**

Decided on: 20.02.2025

Amninder Singh @ Hani

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr.Naveen Bawa, 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. 90 dated 28.10.2024, registered under Sections 126(2) (341 IPC), 115(2) (323 IPC), 118(1) (324 IPC), 351(2) (506 IPC), 190 (149 IPC), 191(3) (148 IPC) and 324(4) (427 IPC) of BNS, 2023 (Sections 117(2) (325 IPC), 118(2) (326 IPC) and 238 (201 IPC) of BNS, 2023 added lateron), at Police Station Maloud, Police District Khanna, District Ludhiana.

2. Succinctly facts of the case are that FIR in the present case was lodged on the statement of Karan Singh son of Daljit Singh. It was alleged that on 27.10.2024, he alongwith his brother Depinder Singh @ Deepu was present at his house and at about 11:00 a.m., Sunny son of Karamjit Singh came, who was having injury in his right foot. He told that he went to the market to purchase milk on his motorcycle and while he was coming then he saw one car bearing registration No.PB-10-BZ 2745 in which Sumit Goyal and Happy Deol were sitting. After parking the car, they surrounded



him and then Happy hit him without any reason on his foot with *Gandasa* by taking out the same from the car. Being afraid, he fled away. The complainant alongwith his brother Depinder Singh @ Deepu reached the spot and then three persons were found damaging the motorcycle of Sunny and another 2-3 persons came in the car marked Swift. They were having rods and *kirpan* alongwith them. Honey Naromajra, Jashan Dudhal and Sukha Chommo also came on motorcycle, who were also having *kirpans*. Simri Uppoke attacked on the head of his brother Depinder Singh @ Deepu with *Gandasa* and Sumit Amargarh gave *kirpan* blow on the right foot of his brother. Honey Naromajra gave *Kirpan* blow on the right leg of his brother and Harry Chommo gave *kirpan* blow on left arm of his brother. Billa Kishanpura gave iron rod blow on the back of his brother. When the complainant came to rescue his brother, then Honey Naromajra gave *Kirpan* blow on his left arm and gave second blow on his left small finger. They raised alarm and on seeing the gathering, the assailants fled away. All the injured were shifted to the hospital. Request was made to take legal action against all the accused persons. On the registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Ludhiana, 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 24.01.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present



case. He submits that the petitioner has been allegedly armed with *kirpan* and he had given *kirpan* blow to the complainant and his brother. However, he submits that the injury is on the non-vital part of the body of the complainant and his brother. He submits that co-accused Simri and Happy were having dispute with injured person, namely, Sunny. He further submits that offence under Sections 117(2) and 118(2) of BNS, 2023 were added after six days from the date of registration of the FIR. He, thus, submits that no *prima facie* case as alleged is made out against the petitioner, hence, he deserves to be granted anticipatory bail.

4. Learned State counsel has also opposed the submissions made by counsel for the petitioner. He has submitted that there are specific allegations against the petitioner that he was duly armed with Kirpan and had given blow of the same to the complainant and his brother. He submits that injuries attributed to the complainant and his brother have been declared to be grievous. He submits that the petitioner is the main accused, who has caused grievous injuries. He submits that the investigation is at the initial stage and thus, no case is made out for granting the anticipatory bail to the petitioner, as the same would prejudice the on going investigation.

5. After hearing learned counsel for the petitioner and perusing the record, it is deciphered that FIR in the present case was registered on the statement of the complainant, who himself is the injured witness. The allegations against the petitioner are specific in nature. The petitioner was allegedly armed with *Kirpan* and had given blows to the complainant and his brother. Grievous injuries caused in the present case are attributed to the petitioner.



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 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 insulted 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.”

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.

20.02.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No