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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.10368 of 2025
Date of decision: 12.03.2025

Jasbir Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Swarn Sandhir, Advocate, Legal Aid Counsel,
for the petitioner.

Ms. Swati Batra, 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
205	05.10.2024	Division 6, District Police Commissionerate Ludhiana	115(2), 118(1), 118(2), 332(c) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts relevant for the purpose of disposal of the present
petition are that the aforementioned FIR was registered on the basis of

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statement recorded by the complainant Parveen Kumar on 05.10.2024 on the allegations that he was running a photo studio and mobile re-charge shop. On 30.09.2024, the petitioner came to his shop on the pretext of getting his phone recharged and for getting a passport size photo clicked. The same was done. Thereafter, he took a knife from his carrybag and opened an assault upon the complainant by striking injuries with the same. The complainant tried to save himself by running out of the shop but the petitioner followed him and even tried to strangle him while inflicting injuries on his person. Thereafter he took out some cash from the drawer of his shop and fled away. The complainant informed his brother about the incident and was taken to hospital. While alleging that due to his ill health, he could not report the matter to the police earlier, he prayed for taking action. Investigation is underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 07.11.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of five days in reporting the matter to the police. The petitioner does not have any criminal antecedents. The complainant was discharged from the hospital on the same day. The petitioner is ready to join the investigation. His custodial interrogation is not required. Therefore, it is urged that he

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deserves to be extended benefit of pre arrest bail.

4. Status report has already been filed by the respondent-State. It is argued by learned Deputy Advocate General, Punjab that there are specific and serious allegations against the petitioner who voluntarily caused simple as well as grievous injuries to the complainant by criminally trespassing into his shop and snatched money from him. For conducting thorough investigation in the matter, his custodial interrogation is required. No extraordinary and exceptional circumstance has been made out for granting benefit of pre arrest bail. Accordingly, 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 is alleged to have criminally trespassed into the shop of the complainant on 30.09.2024 and is further alleged to have inflicted simple as well as grievous injuries on his person by extending beatings to him and striking blows with a knife. The complainant had sustained head injury as well as an incised wound on his right cheek. Sixty stitches were given on his injuries. 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

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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 ground has been made out for allowing the petition. As such, I am of the considered opinion that the petition does not deserve to

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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.

12.03.2025

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No