



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

108

CRM-M-15058-2025

Date of decision: 19.03.2025

Sandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rhythem Bajaj, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.137 dated 06.12.2024 under Sections 115(2), 118(1), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS'), registered at Police Station Khuian Sarwar, District Fazilka.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; although he was not present at the time of the alleged occurrence, however, even assuming for the sake of arguments, that he indeed was present along with the co-accused, the petitioner has been attributed simple blunt injuries on the person of the injured. The offence, if any, made out against the petitioner is only under Section 115(2) of the BNS which is bailable in nature. Learned counsel submits that in the aforementioned facts and circumstances, the petitioner deserves to be extended the concession of anticipatory bail.



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3. Notice of motion.

4. On asking of the Court, Mr. H.S. Deol, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State.

5. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the contents of the FIR which is annexed as Annexure P-1. It has been submitted that the complainant along with his brother were travelling in a bus along with co-accused; there was a verbal spat between the complainant party and co-accused Jaspal Singh and Mangi Singh, who were already acquainted with the complainant party. On account of the verbal spat, co-accused Jaspal Singh and Mangi Singh telephoned the co-accused including the petitioner and when the bus in which the complainant party and the aforementioned two accused reached their destination, all the accused including the petitioner armed with lethal weapons like kappas and iron rods reached there. Without any provocation they launched an attack on the complainant as well as his brother. It has been contended that the petitioner was an active participant in the occurrence in question inasmuch as first he inflicted brick blows on the complainant and when the complainant's brother rushed to the rescue of his brother, he too was not spared and he was inflicted iron rod blows by none other than the petitioner as well as a brick blow on the head of the complainant party. Learned State counsel has still further submitted that this is not for the first time that the petitioner has been involved in a criminal case. In fact, three other FIRs of identical nature are already pending against the petitioner and when



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the present crime was committed by the petitioner, he was on bail in those three pending cases. Learned State counsel has, therefore, prayed for dismissal of the instant petition.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. *Prima facie*, the petitioner comes across as an active participant in the occurrence in question which was a premeditated one. All the accused, including the petitioner, were armed with lethal weapons with which they inflicted a number of injuries, although some of them were blunt injuries on the person of the complainant and his brother, however, this Court cannot lose sight of the fact that the petitioner, who is involved in three other criminal cases of identical nature, was on bail when the crime in question was committed. Therefore, *prima facie* he has misused the liberty granted to him in the other pending cases against him.

8. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed accordingly.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.03.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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