

2025:PHHC:051947



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

102

CRM-M-15673-2025
Decided on:08.04.2025

Rahul Sangar**...Petitioner****Versus****State of Punjab and another****...Respondents****Coram : Hon'ble Mr. Justice Rajesh Bhardwaj**

Present: Mr. Yashpal Thakur, Advocate,
for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner in a case FIR No.134 dated 10.10.2024, registered under Sections 115(2), 118, 351(2), 191(3) & 190 of the BNS, 2023, at Police Station Amloh, District Fatehgarh Sahib.
2. This is the second bail application filed by the petitioner praying for anticipatory bail. Earlier, the petitioner had approached this Court for grant of the same relief, however, the same was declined to him vide order dated 17.12.2024.
3. Learned counsel for the petitioner has contended that after dismissal of the first petition bearing CRM-M-63549-2024, the parties have entered into a compromise and, thus, the present second petition is maintainable in view of the changed circumstances. He submits that though the injury attributed to the petitioner has been declared as grievous, but in view of the compromise having been arrived at between the parties, the petitioner deserves to be granted anticipatory bail.
4. At this stage, Mr. H.S. Sandhu, Advocate, puts in appearance on behalf of respondent no.2-complainant and concedes the factum of compromise between the parties.

2025:PHHC:051947



5. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the petitioner had been alleged to be armed with a 'Dha', a sharp edged weapon, and allegedly given blows thereof on the head and right arm near elbow of injured Pal Singh and he is also alleged to have given injuries to the cousin of the complainant, namely, Lovepreet Singh on his right hand. Besides this, he has also allegedly given injuries to complainant Akashdeep Singh. As per the MLRs, Pal Singh had suffered seven injuries and complainant Akashdeep Singh had suffered five injuries and out of them, injury no.2 suffered by Akashdeep Singh, which is allegedly attributed to the petitioner, had been declared to be grievous in nature. The petitioner is also facing prosecution in two more cases bearing FIR No.149/2023, registered under Sections 379-B of IPC, at Police Station Amloh, District Fatehgarh Sahib and FIR No.31/2024, registered under Sections 395, 365, 323, 341 of IPC and 25/54/59 of the Arms Act, at Police Station Amloh, Fatehgarh Sahib, which depicts his criminal antecedents. The mere fact that the petitioner has now entered into a compromise with the complainant does not make out a case for grant of anticipatory bail 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*

2025:PHHC:051947



- (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 ensconded with a favorable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring 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 insulated 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 disinterring 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

2025:PHHC:051947



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 their favour merely on account of a compromise having been arrived at by him with the complainant, especially when he has criminal antecedents. Resultantly, the present 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.

April 08, 2025
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(Rajesh Bhardwaj)
Judge

Whether Speaking/Reasoned: NO/YES
Whether Reportable: NO/YES