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

**CRM-M No.16026 of 2025
Date of Decision: 28.05.2025**

Dipansu @ Dipansh Kansal**..... Petitioner**

Versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Ms. Suman Rani, Advocate for
Mr. J. K. Singla, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.26, dated 26.02.2025, under Section 140(3), 115(2), 190, 191(3) of BNS, 2023 (offence under Section 117(2) of BNS, 2023 added later on), registered at Police Station Civil Lines Bathinda, District Bathinda (Annexure P-1).
2. Succinctly, the facts of the case are that FIR in the present case has been registered on the statement of complainant, namely, Khushpreet Singh alias Khushi, wherein he has alleged that on 25.02.2025, he along with his friend Deepak Singh had gone to a tattoo shop at about 10.30 am. His friend went away from the shop and he



remained in the shop for applying tattoo on his arm. In the meantime, two young boys entered the shop and one of them, after hitting him on his head, dragged him out of the shop. A fortuner car was parked outside the shop, which was being driven by one Dipansu (petitioner herein), and the other boys in the car were Daman, Gurjot, Ammy Dhillon and Maninder Singh. They forcibly took him inside the fortuner car and was taken to an isolated place, which looks like a poultry farm. Thereafter, Daman, Dipanshu, Gurjot and Ammy Dhillon started beating him up with baseball bats. He was inflicted with serious injuries and his video was also made by them and, thereafter, he was again thrown near Nanni Chaa Chowk, Badal Road, Bathinda by the said culprits. The request was made to take the legal action against the culprits. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioner approached the Court of the learned Additional Sessions Judge, Bathinda praying for the grant of anticipatory bail, however, after hearing both the sides, the same was declined by the learned Additional Sessions Judge, Bathinda vide order dated 18.03.2025. Hence, aggrieved against the said order, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that the allegations against the petitioner are general in nature and no specific role has been attributed to him. He has submitted that the petitioner had no motive, as alleged, and he only being friend of the co-



accused, has been roped in the present case. He has submitted that from the facts and circumstances, it is apparent that no *prima facie* case, as alleged, is made out against the petitioner and, thus, he deserves to be granted concession of anticipatory bail.

4. *Per contra*, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has drawn the attention of this Court to the status report filed by way of an affidavit of Saravjeet Singh Brar, PPS, Deputy Superintendent of Police, City-2, Bathinda on behalf of the respondent-State and has submitted that the petitioner has been specifically named in the FIR. He has submitted that the petitioner along with all the co-accused had abducted the complainant and, thereafter, gave beatings to him. He has submitted that the complainant received multiple injuries including the grievous injuries. He has also submitted that the investigation is at threshold and, thus, no case is made out for grant of anticipatory bail to the petitioner and hence, the present petition, being devoid of any merit, deserves to be dismissed.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the complainant had specifically named all the accused persons including the present petitioner in the FIR. It was alleged that after giving beatings to him when he was sitting in the tattoo shop, he was forcibly dragged out of the shop and, thereafter, was kidnapped by the petitioner along with his co-accused and was taken to a remote place where he was inflicted injuries by all the accused with baseball bats. The complainant was medically examined and as per the



status report filed, he received five injuries, out of which injury no.1 has been declared to be grievous in nature. Co-accused in the present FIR, namely, Daman had earlier approached this Court by way of filing CRM-M-18802-2025, however, after hearing the same, the petitioner therein was allowed to withdraw the said petition, with liberty to surrender before the trial Court.

6. This Court does not find case of the present petitioner distinguishable from the case of the co-accused, namely, Daman while keeping in view overall facts and circumstances.

7. Needless to say that the investigation is at threshold. The offence alleged is serious in nature.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“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."

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

"31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the



making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

10. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, 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 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.”

11. 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 found. Allegations made against the petitioner are serious in nature. Needless to say, the investigation is at the threshold and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

28.05.2025

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

(RAJESH BHARDWAJ)
JUDGE