

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

Date of Decision:21.04.2025

VS.

...Respondent

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in case FIR No.14 dated 05.02.2025 registered under Section 118(1) of BNS (later on added offence under Section 109 of BNS), at Police Station Bhikhiwind, District Tarn Taran.

2. Learned counsel for the petitioner contends that the FIR was initially registered under Section 118(1) of BNS and the offence under Section 109 of BNS has been added after about 15 days of the registration of the FIR. She further contends that as per the case set up by the prosecution, the only allegation against the present petitioner is that he had caused a blow with a datar (machete) on the left hand of the grandson of the complainant and no

other injury has been attributed to him. Even the said injury, which is attributed to the petitioner, is self inflicted and is on non-vital part of the body. Learned counsel further contends that the petitioner is ready to join the investigation and his further custody will not serve any meaningful purpose.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner and have specifically referred to the findings recorded by the Additional Sessions Judge, Tarn Taran in para 6 of the impugned order, while rejecting the bail application of the petitioner and the said observations have been reproduced below.

“Examination of the medical record relating to injured Damandeep Singh shows that he is a minor. He had an already stitched wound extended from mid of front aspect of lower left arm to ulnar border of left hand. The board of doctors had further declared that there was a fracture of base of fifth metacarpal and there was a partial cut over median nerve. The injury was declared not only to be grievous in nature but also dangerous to life. Thereafter, through DDR No.14 dated 20.02.2025, Section 109 of BNS was added. In the light of the peculiar circumstances, when the accused/applicant had been alleged to have inflicted such a grave and vicious injury upon a minor and the allegations being supported by medical record, no ground is made out to grant anticipatory bail to the accused.”

Still further, learned counsel for the complainant submits that Damandeep Singh, injured is a student of 12th class and due to the injuries suffered by him, he could not appear in his board examination and has lost precious one year of his carrier.

4. I have heard learned counsel for the parties and perused the record.
5. From the record, it is apparent that the injury, which was allegedly caused by the petitioner, has already been declared to be grievous and was later declared as dangerous to life. The trial Court has rightly observed that the injured had suffered a wound, which extended from mid of front aspect of lower left arm to ulnar border of left hand.
6. Thus, keeping in view the seriousness of the allegations against the present petitioner, the arrest of the petitioner would be imperative. Even otherwise, the law is well-settled that the discretionary relief of anticipatory bail under Section 438 of Cr.P.C. should be granted only in exceptional cases and not as a matter of routine.
7. Thus, keeping in view the allegations levelled against the petitioner as well as the need of custodial interrogation for recovery of weapon of offence, no ground is made out to allow the petition and is ordered to be dismissed, accordingly.

21.04.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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