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

CRM-M No.22089 of 2025
Date of decision: 22.05.2025

Manpreet Singh @ Mani ... Petitioner
Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sunny K.Singla, Advocate,
for the petitioner.

Mr. Vivek Sharma, AAG, Punjab,
for the respondent-State.

Mr. Mohd. Jameel, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
51	25.03.2025	Sadar Khanna, District Khanna	105, 351(2) and 3(5) 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 statement recorded by the complainant Deen Mohammad On 25.03.2025 alleging therein that he was a mason by profession. On 23.03.2025 at

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about 11/11:30 AM, he was standing in front of the gate of the Mosque of Village Libra when within his sight, an autorickshaw bearing registration No.PB-10-HU-2284 reached there. The petitioner who was a driver of that vehicle dropped a passenger. At the same time, two other passengers reached there and they tried to board the autorickshaw of the petitioner. The victim Kaur Mohd. who was also driver had already parked his vehicle and was waiting for passengers. He asked the petitioner to not to take those passengers and on this account, an altercation took place between them. The complainant alleged that the petitioner thereafter called co-accused Rajvir Singh @ Raja who was standing nearby. Rajvir twisted the arm of the victim and slapped him. Thereafter, he started dragging him. The complainant rushed for intervening and tried to stop Rajvir Singh and the petitioner but in the meanwhile, the accused Rajvir in a fit of rage, picked up a brick and struck a blow with the same on the abdomen of the victim due to which he fallen down. He was assaulted even then by accused Rajvir Singh. On alarm being raised, the petitioner and the co-accused fled from the spot while extending threats to kill the victim.

3. As per the further allegations, the victim was taken to Civil Hospital, Khanna and was referred to General Hospital, Chandigarh. He was discharged in the morning of 24.03.2025. However, on the same day, his condition worsened. He was rushed to hospital. It was observed that

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there was internal bleeding in his abdomen due to the impact of the injury caused and he had suffered a heart attack. He was taken to a higher medical centre but died on the way. While alleging that the death of victim had occurred due to the injuries sustained at the hands of the petitioner and the co-accused, the complainant asked for taking action. The aforementioned FIR was registered. Investigation proceedings have been initiated. Postmortem examination of dead body of the victim was conducted. Offence under Section 103 of BNS was added. Accused Rajvir Singh was arrested on 03.04.2025. The investigation qua the co-accused stands concluded.

4. 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 16.04.2025.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No injury whatsoever had been attributed to him. He has clean antecedents. There is delay of two days in lodging of the FIR. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. With these submissions, it is urged that he deserves to be extended benefit of pre arrest bail.

6. Status report has been filed. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has

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argued that there are specific and grave allegations against the petitioner. For conducting thorough and proper investigation in the matter, his custodial interrogation is must. No extraordinary and exceptional circumstance for grant of bail is made out. Accordingly, it is urged that the petition does not deserve to be allowed.

7. This Court has considered the rival submissions.

8. The petitioner along with the co-accused is alleged to have assaulted the victim on 23.03.2025. As an impact of the injury and due to suffering of heart attack, the victim died on 25.03.2025. 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 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

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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, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

9. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

22.05.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No