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

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CRM-M-23035-2025

Decided on:15.05.2025

Jagga Singh**...Petitioner****Versus****State of Haryana****...Respondent****Coram : Hon'ble Mr. Justice Rajesh Bhardwaj**

Present: Mr. Aditya Sanghi, Advocate, and
Mr. Himanshu Garg, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner in case FIR No.45 dated 30.01.2025, registered under Sections 111(2b), 115(2), 126(2), 190, 191(2), 109, 61(2) of the BNS, 2023, at Police Station City Tohana, District Fatehabad.
2. Succinctly, the facts of the present case are that the FIR in question was lodged on the statement of Amit Kumar, who stated that he had two trucks working under the Bhaichara Truck Union, Tohana. On 30.01.2025, when he and the other truck drivers were present in the Union premises, then, Happy, Ex.President of the Union, Rinku Kumar, Ashu, Jagga Singh (petitioner herein), Shyam Singh, Khushia, Deepak alias Deepu, Pala and Kala alongwith 5-6 unknown persons suddenly came in one Fortuner and two other cars. They claimed that the Union belongs to them, however, the complainant and other truck drivers objected to the same. On their raising objection, Happy and his co-accused started giving beatings to complainant Amit Kumar, Deepak, Ajay Gurpreet Singh and Jagdeep with their lathis and wooden sticks. Shyam Singh,

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Happy and Khushia inflicted injuries on complainant's nose, left arm, waist and other body parts using wooden sticks and lathis. The other co-accused, namely, Ashu, Jagga (petitioner herein), Deepak alias Deepu, Rinku, Jassa Mistri and 4-5 other unknown persons also caused injuries to them. Upon gathering of people from the Union, the assailants escaped in their vehicles. The complainant and Subhash suffered serious injuries; however, they were shifted to the hospital. The aforesaid assailants again attacked them outside the Government Hospital, Tohana, and in the said attack, the complainant and Subhash suffered serious injuries. It was stated that the motive behind the attack by the assailants was to usurp land of the truck Union and create an atmosphere of terror. Thus, they have committed an organized crime. The request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the learned Additional Sessions Judge, Fatehabad, for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 01.04.2025. Hence, aggrieved against the said order, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submitted that the FIR has been lodged on account of rivalry in the truck Union and, thus, the allegations, being pre-meditated and fabricated, are evident. He submitted that the petitioner himself is a victim and not an aggressor. It is submitted that the second incident had taken place outside the Government Hospital, Tohana at 07.30 pm and it is after the second incident, the offence under Section 109 of the BNS, 2023 has been added. He further submitted that the petitioner was already under medical treatment at the time of second incident and, thus, it was not possible for him to cause injuries under Section 109 of the BNS, 2023. It is

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submitted that there is a cross-version recorded at the instance of Anuj Mittal on the basis of which FIR No.49 dated 31.01.2025 was registered. He submitted that the petitioner had already been admitted in the Government Hospital before Subhash suffered injuries and there is no possibility of his involvement in the second attack. He submitted that no *prima facie* case, as alleged, is made out against the petitioner and, thus, he deserves concession of anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana, accepts notice on behalf of the respondent-State and has vehemently opposed the bail application. He has drawn attention of this Court to the status report, filed by way of affidavit of Umed Singh, HPS, DSP, Tohana. It is submitted that the petitioner was specifically named in the FIR and has committed an overt act as all the accused persons came at the spot with pre-determined mind to take over the seat/land of the truck Union. It is submitted that after the incident, injured Subhash, Jagdeep and Gurpreet were medico legally examined. The complainant Amit Kumar has received five injuries. During investigation, co-accused Sham Lal was arrested and his disclosure statement was recorded. The statements of injured Subhash had also been recorded. He submitted that as per the investigation conducted so far, there are 14 accused persons found to be involved and their status is as follows:-

Sr. No.	Name of accused	Date of arrest	By name/in disclosure statement	Recovery (if any)	On bail/in custody
1.	Shyam	31.01.2025	Named in FIR	One Wooden stick	In custody
2.	Rinku Kumar	05.02.2025	Named in FIR	Nil	On Bail
3.	Baljeet Singh	22.02.2025	Named in disclosure statement of accused Rinku	Nil	On Bail
4.	Anuj alias Ashu	26.03.2025	Named in FIR	Nil	On Bail
5.	Happy	Arrest pending	Named in FIR	Arrest pending	Arrest pending

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6.	Jagga Singh (Petitioner)	Arrest pending	Named in FIR	Arrest pending	Arrest pending
7.	Khushiya	Arrest pending	Named in FIR	Arrest pending	Arrest pending
8.	Jassa Mistri	Arrest pending	Named in FIR	Arrest pending	Arrest pending
9.	Deepak	Arrest pending	Named in FIR	Arrest pending	Arrest pending
10.	Pardeep @ Madda	Arrest pending	Named in statement of injured Subhash	Arrest pending	Arrest pending
11.	Ajay	Arrest pending	Named in statement of injured Subhash	Arrest pending	Arrest pending
12.	Bittu Saini	Arrest pending	Named in statement of injured Subhash	Arrest pending	Arrest pending
13.	Kaja @ Ram Niwas	Arrest pending	Named in statement of injured Subhash	Arrest pending	Arrest pending
14.	Hoshiyar Singh Thekedar	Arrest pending	Named in statement of injured Subhash	Arrest pending	Arrest pending

He submitted that *prima facie* case is made out against the petitioner as per the investigation conducted so far and hence, prays for dismissal of the present petition as the investigation is still at threshold and grant of anticipatory bail to the petitioner would adversely affect the ongoing investigation.

6. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the alleged occurrence had taken place on 30.01.2025. The FIR had been registered on the statement of complainant Amit Kumar. The petitioner along with co-accused had been alleged to be part of the unlawful assembly and all have caused injuries to the complainant side. The MLRs produced would show the injuries suffered by the complainant side and the MLR of the petitioner is also placed on record, which would show that he has also suffered injuries. As submitted by learned counsel for the petitioner, the cross-version has also been got registered by the petitioner's side

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and, thus, the same would indicate the very presence of the petitioner at the time of occurrence. Since the investigation is at threshold, therefore, the contentions raised by the learned counsel for the petitioner cannot be appreciated at this stage where he has approached this Court for the grant of concession of anticipatory bail. However, the same could be appreciated at the relevant stage.

7. 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*
 - (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.”*

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8. 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 if 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 insulted 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.”

9. 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 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.

10. 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.

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11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner do not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the present petition, being devoid of any merit, is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

April 15, 2025
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(Rajesh Bhardwaj)
Judge

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