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

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Date of decision: 04.08.2025

Armaan alias Baba

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Jyotika Sethi, Advocate for
Mr. Amit Dhawan, Advocate for the petitioner.
Mr. Jasjit Singh, DAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.25 dated 16.02.2025, registered for the offences punishable under Sections 115(2), 118(1), 191(3), 190 of BNS, 2023 at Police Station Bhargo Camp, District Police Commissionerate, Jalandhar

2. The gravamen of the FIR in question pertains to physical assault inflicted upon the complainant namely Yogesh Kumar, resident of Mithapur, Jalandhar. He alleged that on 14.02.2025, he alongwith his certain friends had gone to Boota Mandi to attend the Gurupurab celebrations of Shri Guru Ravi Dass Ji. At around 08:00-08:30 PM near Chara Mandi, a group of 15/20 unidentified youths armed with *khandas* and *datars* approached them. One of the boys intentionally bumped into complainant and assaulted him with a *datar* on the head. The others joined in and collectively inflicted multiple injuries on the complainant particularly

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to his head, wrist and back. Due to severity of his injuries, he was taken to Civil Hospital, Jalandhar and later admitted to Global Hospital for treatment. On the basis of the aforesaid complaint, instant FIR has been registered against the petitioner and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the present FIR without any cogent basis or credible evidence. Learned counsel has further iterated that the FIR was initially registered against unknown persons and there is no specific allegation or attribution of injury to the petitioner. Further, the complainant, in collusion with certain police officials, has maliciously roped in the petitioner despite there being no role assigned to the petitioner in the alleged incident. It is further submitted that there is an unexplained delay of 02 days in the registration of the FIR which casts serious doubts on the veracity of the prosecution version and suggest the possibility of a fabricated narrative. According to learned counsel, the petitioner was though granted the interim protection by the learned Sessions Judge on 02.04.2025 and ordered him to join investigation but the said fact was not communicated by his counsel due to which the petitioner could not appear and resultantly his bail petition was dismissed. Learned counsel asserts that the allegations levelled against the petitioner in the impugned FIR are entirely baseless and devoid of any credible or cogent material. Moreover, there is no likelihood of the petitioner absconding from the process of justice in case he is enlarged on bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

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4. Conversely, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Referring to the reply 13.07.2025 filed by the State, learned State counsel submits that the complainant and his companions were attacked by a group of 15/20 persons, armed with deadly weapons and caused multiple injuries to the complainant. According to learned State counsel, the petitioner was specifically nominated as an accused based on the further investigation. Furthermore, the prosecution case is duly supported by the statement and supplementary statement of the complainant, medical records of both injured persons and confessional statements of co-accused wherein the role of the petitioner is also disclosed. Moreover, the petitioner has a criminal antecedent as he is involved in another FIR No.10 dated 18.02.2025 under Sections 331(4), 307 and 3(5) of the BNS registered at Police Station Division No.5, Jalandhar and is presently under investigation. He has further contended that in light of the seriousness of the allegations, the custodial interrogation of the petitioner is imperative for a fair and thorough investigation. He has further emphasized that releasing the petitioner on bail at this crucial stage may hamper the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.



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6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* was lodged on the basis of a complaint filed by the complainant, who alleged that he alongwith his friends were attacked by a group of 15/20 unidentified assailants armed with *khandas* and *datars*, resulting in serious injuries to the complainant and one Jeewan Singh. The allegations against the petitioners are serious in nature, involving a brutal group assault with deadly weapons. The nomination of the petitioner is not based on mere suspicion but is supported by eye-witness accounts and corroborative medical evidence. The contention regarding delay in registration of the FIR does not, in itself, demolish the case of the prosecution, particularly when the complainant was hospitalized for serious injuries. The nature of the injuries attributed to the petitioner are serious, reflecting the severity of the alleged act. The weapon allegedly used by the petitioner has not yet been recovered, and the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, verification of facts, and to establish the broader conspiracy, if any, behind the occurrence. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the complainant has categorically stated that he was attacked involving a brutal group assault with deadly weapons. The nomination of the petitioner is not based on mere suspicion but is supported by eyewitness accounts and corroborative medical evidence.

7. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding



individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187*** : the Supreme Court held as under:

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable 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.”

8. In view of the gravity of the allegations, the serious nature of injuries sustained by the victims, the pending recovery of the weapon, and the necessity of custodial interrogation for a fair and thorough investigation,



this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.

- 9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- 10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

August 04, 2025
Ajay

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