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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24771 of 2025
Date of Decision: 09.09.2025
Reserved on: 28.08.2025

Virsa Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.S. Ahluwalia, Advocate and
Mr. Deepinder Singh Virk, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Ms. Anamika Sheoran, Advocate for
Mr. Vikas Singh, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
112	22.12.2023	Ghagga, District Patiala	341, 323, 506, 148 and 149 of IPC (307 and 325 of IPC added later on)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of

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statement recorded by the complainant Prakash Singh alleging that in the morning of 21.12.2023, he was going towards his fields on his motorcycle when the petitioner along with the co-accused and some unknown persons had encircled him and assaulted him by opening an attack upon him and causing injuries with the weapons which all of them were carrying. Clamour raised by the complainant had attracted witness Kuldeep Singh who rescued him. Initially, a case under Sections 148, 323, 341 and 506 read with Section 149 of IPC was registered. Investigation proceedings were initiated. During the course of investigation, the opinion of doctor regarding nature of the injuries sustained by the complainant was received as per which, injury No.4 found on the person of the complainant was declared to be dangerous to life. The same involved several fractures. The offences under Sections 325 and 307 of IPC were added. Accused Rajinder Singh was arrested on 09.02.2024. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 03.04.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The origin and genesis of the occurrence has been tried to be suppressed. Infact, the incident had taken place within the jurisdiction of State of Haryana but with an ulterior motive and by distorting facts, FIR has been registered at police station falling within the jurisdiction of Punjab. Infact, the petitioner had sustained injuries at the hands of the members of the complainant party on 22.12.2023 and had got

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himself admitted at Civil Hospital, Guhla (Haryana) on the same day. He had also lodged a complaint pursuant to which FIR No.305 was registered at Police Station Guhla on 26.12.2023. The offences under Sections 307 and 325 of IPC had been added later on. Only one injury had been attributed to the petitioner that has been declared to be simple as per the opinion of doctor of Civil Hospital, Samana. Apart from the alleged injury on the head, no injury on vital part of the body had been sustained by the complainant. No injury which could be stated to be dangerous to life had infact been sustained by the complainant. There is civil litigation between the parties on account of some land dispute. The FIR of this case is a counter blast to the same. He is ready to join the investigation. His custodial interrogation is not required. Neither any recovery is to be effected from him. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant that there are serious allegations against the petitioner as he had struck a blow with rod on the head of the complainant whereas the co-accused had also caused injuries on the person of the complainant with an intent to kill him and by forming an unlawful assembly. His multiple bones involving long bone had been injured and fractures were found in the same. These injuries collectively were declared to be dangerous to life. The FIR got lodged by the petitioner at Police Station Guhla has been ordered to be cancelled and cancellation report has been filed. The petitioner has been

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avoiding his apprehension. Warrants of arrest have been issued against him. His custodial interrogation is must for conducting thorough investigation in the matter. He is a habitual offender since as many as six cases, some of which are of similar nature have been registered against him. No exceptional and extraordinary circumstance warranting exercise of powers under Section 482 of BNSS by this Court is made out. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have caused simple as well as grievous injuries to the complainant. One of these injuries which are multiple fractures involving long bone has been opined to be dangerous to life. That injury might not have been directly attributed to him but as per the allegations, the petitioner being member of unlawful assembly had caused the same on the person of the victim, along with the co-accused. The allegations against the petitioner are serious in nature. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. 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.

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

09.09.2025
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(MANISHA BATRA)
JUDGE

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