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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
104
CRM-M No.25865 of 2025
Date of decision: 13.05.2025

Avtar Singh @ Makhan ... Petitioner
Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. S.S. Maini, Advocate,
for the petitioner.

Ms. Himani Arora, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

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
38	09.04.2025	Dhanaula, District Barnala	115(2) and 118(1) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (118(2) of BNS added later on)

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 Sukhwinder Singh alleging that on 08.04.2025 at about 9 AM, he was going towards his house when the petitioner intercepted him on way and started hurling abuses to him. Then

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he picked up a sword from his cart and opened an attack upon him by striking blows with the same at his head and other limbs thereby injuring him. In the meanwhile, some persons had reached there and rushed for his rescue but by striking a blow with sword, the petitioner injured his right hand. His family members had reached there and rushed him to hospital. After registration of FIR, investigation proceedings have been initiated and are underway.

3. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Sessions Judge, Barnala vide order dated 28.04.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He too had sustained injuries in the incident. He is ready to join investigation. His custodial interrogation is not required. No recovery is to be effected from him. Accordingly, it is urged that he deserves to be given benefit of pre arrest bail.

5. Notice of motion.

6. Ms. Himani Arora, AAG, Punjab has advance notice of the petition and is ready to argue the matter. It is submitted by her that there are serious and specific allegations against the petitioner who had caused injuries with a sword on a person of the complainant. The complainant had sustained a wound on left hand palmar surface and on left temporal region of scalp. The first injury has been opined to be grievous in nature and caused by sharp edged weapon. The custodial interrogation of the

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petitioner is must. No extraordinary and exceptional circumstance for grant of anticipatory bail is made out. With these broad submissions, it is stressed that the petition does not deserve to be allowed.

7. This Court has considered the rival submissions.

8. The petitioner is alleged to have intercepted the complainant as on 08.04.2025 and is further alleged to have assaulted him by causing simple as well as grievous injuries. The complainant has sustained serious injuries at his hands. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. In the present case, no 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.

(MANISHA BATRA)
JUDGE

13.05.2025

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No