

2025.PHHC:075824



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

**CRM-M-27113-2025
DECIDED ON: 16.05.2025**

VARUNDEEP GARG**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sandeep Chopra, Advocate for the petitioner.
Mr. Jastej Singh, Addl. AG Punjab
Mr. Gaurav Datta, Advocate for the complainant.

SANDEEP MOUDGIL, J

1. **Prayer**

The jurisdiction of this Court under Section 482 of BNSS, 2023 for grant of Anticipatory Bail to the Petitioner in FIR No. 70 dated 11.04.2025 under Sections 115(2), 118(1), 126(2), 303(2), 351(3), 191(3), 190, 61(2) of BNS, 2023, (Section 304(2) of BNS added later on) registered at Police Station Kotwali, Patiala.

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

“At this time a statement of Onkar Singh S/o Bhupinder Singh R/o Ho No: 5272, Gobind Bagh, Rajpura Road, Patiala presently r/o Street No: 2, Gian Colony, Sullar Road, Patiala, aged about 35 years Mobile No 98788-71288 written by SI Puran Singh 399/Pta, Division No 2, Patiala has been received in the police station for registration of FIR against Varundeep Garg S/o Pawan Kumar R/o Chaha Gali,

Ragho Majra Patiala, Vicky Tattera R/o Markel Colony Patiala, Nadi Banna Patiala, Parminder Singh @ Sepa R/o Baba Jeewan Singh Bagichi, Nabha Gate Patiala and 7/8 unknown person at the hand of PHG Gurdarshan Singh 18486, that the subject of the instant statement is as below, "Stated that I am resident of aforesaid address and Shop of Cosmetics at Killa Check Patiala. Yesterday night I and my friend Bikramjeet Singh @ Sanovi S/o Surinder Singh R/o H No: 147, Mahindera Complex, Patiala both were going towards the bridge of Ragho Majra after meeting our friend Sukhjot Singh @ Raman R/o Chahal Gali, Ragho Majra Patiala at his Shop under name Kohli Fish, Yellow Road, Ragho Majra and time will be of about 11:00 PM then Varundeep Garg S/o Pawan Kumar R/o Chahal Gali, Ragho Majra Patiala, Vicky Tatera R/o Markel Colony, Patiala, Nadi Banna Patiala and 7/8 unknown person ambushed us started beating us and Varundeep Singh and Vicky Tatera pulled and snatched the leather bag of black colour hanging on the neck of Bikramjeet Singh @ Sanovi. In which there were his papers and money. That Varundeep Garg was carrying sword in his hand and Vicky Tatera was wearing the iron punch on his right hand and then Vicky Thathera gave a blow with the iron punch on my face, due to which 2 teeth of my upper jaw were broken and I fell down and then while I was lying on ground then all the aforesaid persons gave beatings to me. Due to which I received injuries on the figure of my right hand and left knee. Then in the mean time Bhavkhandan Singh S/o Late Chanchaljeet Singh R/o Peeli Road, Ragho Majra Patiala and Sukhjot Singh S/o Surinder Singh R/o Chahal Street, Karah Wala Chowk Patiala both came at the spot and they tried to rescue me from them, then all of them started beating Bhavkhandan Singh and Sukhjot Singh and Varundeep Garg gave a blow with the sword near left shoulder of Bhavkhandan Singh and all of them gave fist blows to him and all of them gave injuries on the back and other places of Sukhjot Singh @ Raman and then we raised an alarm "Maarta-Maarta" and many people have gathered at the spot and then all the aforesaid persons fled away from the spot alongwith their weapons.

That on 09.04.2025 also Varundeep Garg and Parminder Singh @ Sampa R/o Baaba Jeewan Singh Bagichi, Nabha Gate, Patiala alongwith their companions had come to the shop of Sukhjot Singh @ Raman and had given him threats to Sukhjot Singh @ Raman of his life, yesterday also they have attacked us under a conspiracy by Varundeep Garg and Parminder Singh @ Sampa. That I can identify the unknown person when confronted. I, Bhavkhandan Singh and Sukhjot Singh are admitted to Jeewan Hospital Patiala. Legal action be taken against aforesaid persons. I have recorded my statement with you, hear and read and same is correct.”

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that this is a matter involving both version and cross-version, wherein both parties have sustained injuries. It is contended that only a single specific injury has been attributed to the petitioner. Counsel further asserts that the complainant, Onkar Singh, inflicted a blow with an iron pipe on the left leg of the petitioner, while Rajan Kohli struck the petitioner with a baseball bat on his right side. He undertakes on behalf of the petitioner that he is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

Learned State counsel assisted by learned counsel for the complainant prays for dismissal of the present petition stating that the petitioner, along with other co-accused, was allegedly waiting in front of the shop of Sukhjot Singh, engaging in conversation and conspiring to launch an attack. It is further alleged that the petitioner caused injuries to Onkar Singh, Bhavkhandan Singh, and Sukhjot Singh.

4. Analysis

As per the prosecution story prima facie there are direct allegations against the petitioner that he alongwith his other co-accused gave injuries on the person of the complainant and snatched the bag containing money and documents from Bikramjit Singh. Therefore, granting the concession of anticipatory bail to the present petitioner would somewhere or other give an endorsement to the illegal act committed by them, which is against the law. Further it is mandatory that such types of offenders, who dare to take law in their hands are punished so that in future they think twice before doing any type of illegal acts.

Also this Court would opine that in everyday terms, the principle of law dictates that bail is the general rule, while jail is the exception. However, this Court acknowledges that the power to grant or deny bail is extraordinary and must be exercised with caution. It is well-established that when considering a bail application (whether pre-arrest or regular bail), the Court must form a *prima facie* opinion as to whether reasonable grounds exist to support the accusation, or if the accusation is frivolous and baseless possibly made with the intention of harming or humiliating the individual, or falsely implicating them in the crime. This evaluation must be conducted in light of the self-imposed restrictions and the broader legal parameters outlined.

The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 BNSS, is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Supreme Court in “State vs. Anil Sharma”; (1997) 7 SCC 187, held as under:-

“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 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 material 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 needs 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.”

5. Decision

Keeping in view of the facts that the petitioner was present at the spot as can be seen in CCTV footage and he alongwith his co-accused have inflicted injuries to the complainant, this Court is of the view that his custodial interrogation is required for the purpose of recovery of weapons and to further unearth the ramifications involved in the present case.

Hence, the present petition is hereby dismissed.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

16.05.2025

Meenu

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No