



101
IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.27662 of 2025
Date of decision: 20.05.2025

Pritam Singh ... Petitioner

Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Tejinder Kataria, 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
107	17.10.2024	Kulgarhi, District Ferozepur	109, 304, 333, 351(2), 115(2), 324, 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (238 of BNS added later on)

2. As per the allegations, on 12.10.2024, the petitioner Pritam Singh who was living in the neighbourhood of the complainant came in front of gate of the house of the complainant Krishna along with his sons.

2025:PHHC:068070



All of them were under the influence of liquor and they started calling bad names to the family of the complainant and raised lalkara. The complainant reported the matter to the village Sarpanch with request to pervail good sense uopn the petitioner but then on the night of 15.10.2024 the petitioner along with the co-accused and some unidentified persons with muffled faces, forcibly entered inside the house of the complainant. The petitioner and co-accused Manjit Singh made exhortation to teach a lesson to the family of the complainant for making complaint against them and thereafter they opened an assault upon her husband Harjinder Singh. The complainant rushed for rescue of her husband but she too sustained injuries at their hands. Her gold neck chain had also been snatched and household articles were damaged. On a clamour being raised, her brother-in-law and neighbourers rushed for their rescue and then the petitioner and co-accused fled away. On her complaint, the aforementioned FIR was registered. Investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Ferozepur vide order dated 04.04.2025.

3. It is argued by learned counsel for the petitioner that he along with his family members have been falsely implicated in this case due to political rivalry. Infact the elections of Gram Panchayat had been held in

2025:PHHC:068070



his village on 15.10.2024. The family of the petitioner was supporting one Manjit Kaur whereas the niece of the complainant was contesting election from APP party and due to having a political grudge and to pressurize and teach the petitioner a lesson for going against the complainant party, he has been involved in this case. There is delay of two days in lodging of the FIR. The injury on the person of the complainant was opined to be simple and non vital. The injury which is opined to be dangerous in nature and has been sustained by Jagir Singh injured infact is not proved to have been sustained at the hands of the petitioner but has been wrongly attributed to him. He is an old ailing person dealing with the various medical issues. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. Accordingly, it is urged that he deserves to be given benefit of pre arrest bail.

4. Notice of motion.

5. Ms. Himani Arora, AAG, Punjab who has advance notice of the petition is ready to argue the matter and has submitted that keeping in view the gravity of the allegations, the petitioner does not deserve to be given benefit of pre arrest bail.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common

2025:PHHC:068070



object thereof is alleged to have caused simple as well as grievous injuries to the complainant, her husband and Jagir Singh. One of the injuries sustained by Jagir Singh has been opined to be dangerous to life. This injury has been specifically attributed to the petitioner. The allegations against the petitioner are grave in nature. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. 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

2025:PHHC:068070



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, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

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

20.05.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No