



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27380-2025
DECIDED ON: 19.05.2025

PAWAN KUMAR @ OOT

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.K. Arya, Advocate for the petitioner.
Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of anticipatory bail in the event of arrest of the petitioner in the case FIR No. 61 dated 01.05.2025 (Annexure P-1) registered under Sections 118(2) and 3(5) of BNS, 2023 at Police Station Sujampur, District Pathankot.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“First Information Contents: Statement of Jagseer Singh son of Balveer Singh resident of Bangi Dipa Singh, P.S. Rama Mandi, District Bathinda aged about 30 years, Mobile No. 9877922719. Stated that I am resident of the above mentioned address and plying private bus from Pathankot to Delhi of Inder City and as I used to remain away from the house, I have a rented Room in Malikpur. The bus which I driven, used to park at Malikpur Chowk and went to my rented room. That on 28.4.25, I had come from Delhi to Pathankot and after dropping the passengers, parked my bus at Malikpur and I went to my room, where after taking meal at about 7:25 PM

came to see my bus which I parked and when I reached at Malikpur Chowk, then Pawan Kumar son of Amarjeet Singh resident of Pakho Chak who is also a conductor of bus No AR0/1W/2600 which plies from Delhi to Pathankot. We know each other very well, he having kirpan in his hand and along with him two other persons were also there, who covered their face, they had also kirpan in their hands. They were standing near a car Swift No. PB-35AJ-3614 white coloured. Then Pawan Kumar gave lalkara that 'caught hold him, teach him a lesson for altercation with us'. Then Pawan Kumar gave two Kirpan blow which he hold in his hand, then I in order to myself raised my left arm, due to which the kirpan hit on elbow and wrist of my left arm. Thereafter out of the persons covered face standing near him, one gave kirpan blow on me, then in order to save myself, I raised left arm, due to which the kirpan blow hit near the elbow of my left arm. Thereafter Pawan Kumar gave kirpan blow which directly hit on my head and out of unknown persons, another boy gave me kirpan blow, then in order to save myself, I raised my right arm, due to which the same hit me between my elbow and wrist of my right arm and thereafter Pawan Kumar gave kirpan blow which directly hit me on my left chick, then I stained with blood and fell down on the ground and raised alarm of 'mar ditta, mar ditta', then Baba Wakaw, where I used to take meal came there and many other passerby gathered there. Then the accused persons along with their weapons fled away from the spot and they left swift car there. Thereafter Baba Fabe Wala after arranging the vehicle got me admitted in S.K.R. Hospital Malikpur, Pathankot, where I am under treatment. The motive of the quarrel is that 2/3 months prior from today an altercation took place between us in parking at Delhi. Appropriate legal action be taken against Pawan Kumar and two other unknown persons who came alongwith him. Till date the respectable tried to get compromise between us, but could not success. Sd/- Jagseer Singh above-said complaint in Punjabi, verified by Jagdish Singh ASI P.S. Sujanpur dt. 1-5-2025."

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that there is an inordinate delay of 3 days in lodging the instant FIR as the occurrence took place on 28.04.2025 whereas the instant FIR was lodged on 01.05.2025. He further contends that the complainant himself stated in the FIR that 2/3

months prior an altercation took place between him and the petitioner, which led to the registration of the present FIR.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jasjit Singh Rattu, DAG, Punjab accepts notice on behalf of the respondent-State and has produced the treatment summary, which indicates a diagnosed head injury along with an open fracture of the 3rd and 4th metacarpal bones of the left hand. The surgical notes further reveal that the head injury was managed conservatively and has been classified as grievous in nature by the Medical Officer at SKR Hospital & Trauma Centre Pvt. Ltd., Malikpur Chowk, Pathankot. A perusal of the FIR would depict that the occurrence is admitted by the petitioner that he was holding a kirpan in his hand and gave multiple blows including lalkara to teach him a lesson for an earlier enmity among the parties which tantamounts to admission of the occurrence atleast.

4. **Analysis and conclusion**

As far as three days delay in lodging the FIR is concerned, it is not an inordinate delay particularly in the light of treatment being taken by the complainant at private hospital having serious injuries, including a head injury and fractures, specifically involving the 3rd and 4th metacarpal bones of the left hand.

The petitioner is also reported to be involved in three other cases, the details of which are as under:-

FIR No.	Dated	Sections	Police Station
17	12.02.2022	379-B, 34 IPC	Taragarh
112	24.10.2021	379-B IPC	Taragarh
147	11.08.2023	354-A, 323, 506 IPC, 08 POCSO Act	Dinanagar, Gurdaspur

In the light of above, considering the role assigned to the petitioner namely Pawan Kumar @ OOT, who has used the kirpan in the scuffle i.e. an admitted occurrence as per the assertions of the counsel for the petitioner. In a civilized society such acts are not acceptable and the accused persons need to be booked as per law.

According to Mr. Rattu, learned DAG, Punjab, otherwise also the custodial interrogation of the petitioner would be required since the recovery of weapon used in the commissioning of crime is yet to be effected apart from extracting other information and details.

Moreover, it is settled proposition of law that power exercisable under Section 482 BNSS, 2023., is somewhat extraordinary in character and it is to be exercised in exceptional cases. In State of **Andhra Pradesh vs. Vimal Krishna Kundu, AIR 1997 SC 3589**, Apex Court has held that in case of well orchestrated conspiracy, if the accused is equipped with anticipatory bail order before interrogated by police, would greatly harm the investigation and would impede the prospects of unearthing all the ramification involved in the conspiracy. Similarly, in '**Ram Govind Upadhyay versus Sudarshan Singh, (2002) 3 SCC 598**', it has been observed as under:

“3. Grant of bail though being a discretionary order — but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The

nature of the offence is one of the basic considerations for the grant of bail — more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.”

Keeping in view the allegations, the petitioner is not found entitled to the discretionary equitable relief of the anticipatory bail, which is to be granted in exceptional circumstances and not in routine. It is meant to save the innocent persons from the harassment and inconvenience and not to screen the culprits from arrest and custodial interrogation. Therefore, the petition being devoid of merits stand 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.

Ordered accordingly.

19.05.2025
anuradha (v)

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*