



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29018-2025
DECIDED ON: 18.06.2025

ANGREJ SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tushaar Madaan, Advocate and
Mr. Sarvesh Malik, Advocate
for the petitioner.

Mr. Sandeep Singh, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in F.I.R No.0081, dated 9.5.2025 Annexure P-2 registered under Sections 285, 115(2), 221, 132, 190 of the Bharatiya Nyaya Sanhita (BNS), 2023 at Police Station Kotwali, Bathinda, District Bathinda.

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

Copy of letter of Nagar Nigam, Bathinda, Near Railway Station Bathinda, Punjab. Pin Code 151001. Phone NO. 0164- 2252812. No. 12/Teh. Dated 09.05.2025. To, Station House Officer, Railway Road, Bathinda. Subject: -

Complaint regarding giving beatings to officials working on Tow-Van by owner of vehicle No. PB- 50-C-2100 and shopkeepers. In connection with above cited subject, it is submitted that today i.e on 09.05.2025, Sh. Rajeev Kumar (Data Entry Operator) along with Gursewak Singh (ASI) , Manjit Singh (Driver), Amandeep Singh and Ashok Kumar (Labour) were getting towed vehicles from market with tow-van. Today at about 12.30 P.M, a vehicle No. PB-50- -2100 was wrongly parked infront of Onkar Nath Harish Kumar shop in Main Sirki Bazar, the challan number of which was issued vide Challan No. MCB06604JBMY dated 09.05.2025. Thereafter owner of vehicle and his wife along with market persons (Onkar Nath Harish Kumar M. No. 98148-30849, Parkash Chand and Sons 98785-13124 and Nishant Trading Company 98727-18470) and about 6-7 unknown persons (videography of whom is attached) objected to towing the vehicle. Thereafter Rajeev Kumar was taking the vehicle to multi-level car parking by towing it. In the meantime, the owner of vehicle and his wife and shopkeepers stopped the vehicle and after opening the window of the vehicle, pulled Sh. Rajeev Kumar (Data Entry Operator) out of the vehicle and scuffled with him and started giving beatings to him. Nearby shopkeepers also started giving beatings on seeing the opportunity. In the meantime, the above said towed vehicle was alighted from the tow van at the spot without getting deposited the money of challan. Due to this incident, the image of Municipal Corporation has been tarnished. Above said all persons have caused hindrance in official duty. Appropriate legal action be initiated in this regard at the earliest.”

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant FIR wherein he is the registered

owner of the vehicle in question and it is rather the towing was being done without following the due procedure which compelled him to intervene although no force or violation was used by the petitioner. He further contends that no specific allegations or serious injury has been attributed to the petitioner therefore prays for grant of anticipatory bail.

Notice of Motion.

On behalf of the State

On the other hand, learned State counsel who is present in the court accepts notice on behalf of the state-respondent who at the very outset while relying upon the Status report filed by way of an affidavit of Harbans Singh, DSP, City I, Bathinda opposes the grant of anticipatory bail to the petitioner by submitting that the petitioner has assaulted the complainant who was discharging his official function. He also argues that as per the CCTV recording produced before the trial court, it can be seen that the petitioner along with his wife and other shopkeepers present at the place of occurrence got stopped the vehicle from towing and the complainant was dragged from the vehicle and was given beatings by the petitioner.

4. Heard.

5. **Analysis**

From the perusal of the record in hand, it has come forth that allegedly, on date 09.05.2025, Rajiv Kumar, Data entry operator alongwith ASI Gursewak Singh, Manjit Singh, driver, Amandeep Singh and Ashok Kumar, labourers were on duty for towing the vehicles in bazaar. Later on, at about 12.30 PM a car bearing registration no.PB-50C-2100 which was wrongly parked was towed but in the meantime, the owner of the car(present petitioner) his wife and other shopkeepers got stopped the towing vehicle

and dragged Rajiv Kumar from the vehicle and got beatings to him. Not only this, the petitioner without payment of challan got the vehicle released thereby obstructing the officials from performing their official duty.

Taking into consideration the factual aspects and the allegations involved, the court by no stretch of imagination can be lenient to grant bail to the petitioner who have allegedly beaten the complainant who was on public duty. Therefore, custodial interrogation of the petitioner is required.

Moreso, it is a settled proposition of law that power exercisable under Section 482 B.N.S.S, 2023, is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Hon'ble Supreme Court in

State Vs. Anil Sharma : (1997) 7 SCC 187 held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable 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 information and also materials 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 need 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.”

In *Sushila Aggarwal Vs. State (NCT of Delhi), (2020) 5 SCC1*,

Hon'ble Supreme Court has enunciated the considerations that must govern the grant of anticipatory by holding as under: -

92.3 While considering an application (for grant of anticipatory bail) the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses), likelihood of fleeing justice (such as leaving the country), etc.

92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court."

Similarly, in *Neeru Yadav Vs. State of UP & Anr., (2016) 15*

SCC 422, it was held by Hon'ble Supreme Court as under: -

"11. It is the duty of the Court to take into consideration certain factors and they basically are,

(i) the nature of accusation and the severity of punishment in cases of conviction and the nature of supporting evidence, (ii) reasonable apprehension of tampering with the witnesses for apprehension of threat to the complainant, and (iii) Prima facie satisfaction of the court in support of the charge."

6. **Relief granted**

In the light of above mentioned facts and the spectrum of law discussed by the Apex Court with regard to the grant of anticipatory bail, the court does not deem fit to grant anticipatory bail to the petitioner.

This petition being devoid of merits stands dismissed.

However it is made clear that anything observed herein above shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.

Ordered accordingly.

18.06.2025
Anuradha(v)

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>