



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

CRM-M-29816-2025

Date of decision: 28th July, 2025

Harjap Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Umesh Aggarwal, Advocate for the petitioners.
Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioners seeking grant of anticipatory bail in case bearing FIR No. 147 dated 23.07.2024 registered under Sections 118(2), 117(2), 115(2), 351(2), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Ajnala, District Amritsar, Rural.

2. As per the allegations, on 05.07.2024, the complainant had gone to a grocery store and while returning to his house, was intercepted by the petitioners along with the co-accused, who were armed with weapons. They raised a *lalkara* whereupon petitioner No.1 opened an assault upon the complainant and struck a blow with *datar* on the left side of head, whereas, petitioner No.2 **struck him with a rod, causing** injuries to the middle and left side of his head. The other accused also **inflicted injuries upon him**. The complainant fell down and raised an alarm, upon hearing which his family members rushed to the spot and then the assailants fled while



extending threats to kill him. He was taken to hospital, where he remained under treatment. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners moved an application for grant of pre-arrest bail, which was dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 16.05.2025.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. There is delay of 18 days in lodging of the FIR. It is a case of version and cross-version. Infact, on the complaint of Hardeep Singh, who is a member of their party, a DDR No. 17 dated 30.11.2024 has been registered. The petitioners were not the aggressors in this case. Their custodial interrogation is not required. They are ready to join the investigation. No recovery is to be effected from them. It is, therefore, argued that the petition deserves to be allowed.

4. Notice of motion.

5. Learned Deputy Advocate General, Punjab, has advance notice of the petition and is ready to argue the matter. It is submitted that there are serious and specific allegations against the petitioners, who had caused serious injuries on the head of the complainant in prosecution of common object of their unlawful assembly with the co-accused. Their custodial interrogation is required for conducting thorough investigation in the matter. No extra ordinary or exceptional circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioners. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.



7. The petitioners are alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly they are alleged to have opened an assault upon the complainant and to have caused injuries to him. The injuries which have been attributed to them and had been caused to the complainant have been opined to be grievous in nature. Though petitioner No.1 has claimed that he too had sustained one grievous injury, however, keeping in view the nature of the allegations as levelled in the FIR, this Court is of the considered opinion that the custodial interrogation of the petitioners is must for conducting thorough and proper investigation in the matter. It is well settled that 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 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. 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 the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

28th July, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*