

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

CRM-M-30973-2025
Reserved on: 08.07.2025
Pronounced on: 31.07.2025

Rajiv Singh @ Happy ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0070	18.03.2022	Canal Colony, District Bathinda	307, 323, 341, 148, 149, 324 IPC (Section 325 IPC added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 10 of the bail petition, petitioner has no criminal antecedents.
3. The facts and allegations are taken from the status report filed by State counsel, which reads as follows:

“3. That the facts of the case are as under-
(i). Initially, the FIR question was registered 307,323,341, 148, 149, 324 IPC against six accused by name i.e. (1) Rajiv Singh @ Happy son of Rotash Kumar (present petitioner) (2) Akash son of Reddy (3) Manpreet Singh @ Bawa son of Jagdev Raj (4) Kakdi (5) Gupreet Singh @ Gopi (6) Honey Kekra son of Pawan Kumar and one unknown person, on the statement of Vijay Kumar son of Ram Shatar. It was stated by the complainant that on 18.03.2022, Ravi Kumar (brother of the complainant) while sitting on the motor cycle in St.No.9. Near Park Janta Nagar, Bathinda, was waiting for his friend. The complainant was going to his brother Ravi Kumar on foot. The accused persons armed with weapons came there and caused injuries to the said Ravi Kumar with intention to kill him.
(ii) Details of MLR
As per MLR No.HG/MAR/56/2022/DHBTI dated 18.03.2022 of the injured Ravi Kumar son of Ram Shatar, there are six injuries on his

body. The injuries No.1,2,5 were declared as grievous by the Doctor, so the offence u/s 325 IPC was added in the FIR in question vide DDR No.31 dated 04.05.2022.

(iii). During the investigation, the incriminating evidence came on file against all the accused including the petitioner. During the investigation, it was found that when the victim Ravi Kumar was present near the Park Janta Nagar, Bathinda, the accused armed with weapons, came there and caused as many as six injuries (including three grievous injuries) to him with intention to kill him."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. State counsel on being confronted that a specific question was put by this Court in the previous order that in case of dismissal of petition, would the police arrest the petitioner in this case, filed reply on affidavit of DySP which is cryptic. This is for the reason that in the reply DySP is playing smart and has answered in the following terms: "In view of grave nature of crime, the petitioner is not entitled to the concession of pre-arrest bail." This is not the question which was placed by this Court. By trying to answer like this, the DySP tried to mis-lead the Court. However, State counsel submits that no adverse view be taken and after going through the reply, it can be clearly made out that in case this Court dismisses the bail petition, they would certainly arrest the petitioner and subject him to custodial interrogation. Given the stand taken by the State counsel, this Court is not proposing to take any action against the concerned DySP at this stage, however, leaving this question open subject to the conduct of DySP in this case during the remaining investigation.

7. Although the injury attributed to the petitioner is with hand pump on the backside of complainant, but it is a case where five accused armed with deadly weapons caused massive injuries on the victim. One injury was received from Kirpan attributed to Kekri on the left side of head, another by Gandasi attributed to Gurjeet Singh on the neck and third attributed to Honey caused with ghop iron on the left Bicep and one by petitioner with the handle of hand pump on the backside. Thus, this Court has to see the cumulative effect of the injuries at this stage of anticipatory bail. It is a serious offence which is grave in nature and if petitioner is not arrested, then it would send a wrong message to the society that people can take the law in their own hands. Any decision to not to arrest Rajiv Singh- petitioner has to be taken by SSP by giving reasons in writing if the SSP decides not to arrest the petitioner and he will have to mention the reasons thereof and how common object or common intention was not being shared by petitioner.

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8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify the grant of anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

10. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

31.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.