

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

CRM-M-31490-2025

Reserved on: 16th July, 2025

Pronounced on: 5th August, 2025

Ajaypal Singh

...Petitioner

Versus

State of Punjab

...Respondent

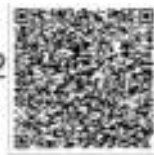
CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sumeet Puri, Advocate for the petitioner.
Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 200 dated 08.10.2023 registered under Sections 307, 324, 506, 148 and 149 of IPC at Police Station City, Rampura, District Bathinda.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Malkeet Kaur alleging that on 06.10.2023, she was present at Rampur Road, waiting for her son to arrive, as they had to go to village Bhunder. She noticed a car lying parked near her, the accused Gaggi Singh Thole, Binder Singh, Balraj Singh and Gurpreet Singh, all residents of village Mandi Kala, who were known to her and were present in that car. She heard their conversation stating that their men were following Kinder. The name of her son was also the same and the complainant thought that those persons were talking about other Kinder. In the meanwhile, her son Kinder @ Kulwinder Singh reached there on a motorcycle. The petitioner was seen coming along with two more accused,



Sarabjit and Kulwinder Singh, on another motorcycle. The petitioner and co-accused intercepted the motorcycle of her son and tried to forcibly make her son sit on their motorcycle. Then the occupants of the car and motorcycle opened an assault upon her son. The accused Jagga Singh proclaimed that the complainant and her son should be eliminated. She raised clamour but within her sight, accused Jassa Singh struck blows with a *gandasa* on the person of her son with intent to kill him. Accused Bajja Singh proclaimed that since Kinder has quarreled with Jagga Singh, he should not be spared. The co-accused also inflicted injuries on the person of her son by proclaiming that he should not be left alive. The accused Gurpreet and Kulwinder Singh struck blows with *gandasa*. The petitioner also struck a blow with *gandasa* on the head of the victim but the blow hit the palm of his right hand. Thereafter, the assailants fled. After registration of FIR, investigation proceedings were initiated. The injury No.1 as found on the person of the victim-Kulwinder Singh, was declared to be dangerous to life, whereas another injury was declared to be grievous. As many as seven injuries were sustained by him at the hands of the petitioner and co-accused. The petitioner could not be arrested. Proceedings for declaring him as a proclaimed person were initiated and he was declared as such on 23.12.2024.

3. As revealed from the record, the petitioner then moved a petition bearing CRM-M-17220-2025 for quashing the order dated 23.12.2024 whereby he was declared a proclaimed person. This petition was allowed by this court vide order dated 07.05.2025 and he was given direction to surrender before the court concerned and seek regular bail or to file an application for grant of anticipatory bail. The petitioner then moved



an application for pre-arrest bail which has been dismissed by the court of learned Additional Sessions Judge Bathinda vide order dated 27.05.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not present at the place of occurrence rather he was present in his educational institution at the time of alleged occurrence. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. Therefore, it is urged that he deserves to be extended benefit of anticipatory bail.

5. Status report has been filed. It is argued by learned State counsel that the allegations against the petitioner are serious in nature as by forming membership of an unlawful assembly with the co-accused and in prosecution of the common object of that assembly, he had assaulted the victim Kulwinder Singh @ Kinder by striking blows with *gandasa* on his left elbow and right elbow thereby causing grievous injuries to him. He was vicariously liable for the remaining injuries as sustained by the victims at the hands of the other accused as well. He is vicariously liable for the remaining injuries as sustained by the victim at the hands of other accused as well under Section 149 of IPC. The victim had also sustained an injury on his head which has been declared to be dangerous to life. The remaining accused have been declared proclaimed persons. For conducting thorough and proper investigation in the matter and as well as for ascertaining the truth and illicit information about the whereabouts of the co-accused. Custodial interrogation of the petitioner is must. No exceptional or extraordinary ground for grant of pre arrest bail has even otherwise been made out in favour of the petitioner. 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 petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of the common object thereof had voluntarily caused simple as well as grievous injuries to the victim Kulwinder Singh. The injury attributed to him had been opined to be grievous in nature. One of such injury had been opined to be dangerous to life. The allegations against the petitioner are serious in nature. For conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is required. 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

5th August, 2025

Parveen Sharma

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No