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

**CRM-M No.32906 of 2025
Date of Decision: 17.07.2025**

Subash @ Yuvi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ranjeet Singh, Advocate and
Mr. Davinder Singh, Advocate
for the petitioner.

Mr. J. S. Arora, DAG, Punjab assisted by
ASI Manjeet Singh.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.55, dated 13.04.2025, under Sections 118(1), 324(4), 332, 351(2), 191(3), 190 of BNS, 2023, registered at Police Station Satnampura, District Kapurthala, Punjab (Annexure P-1). Further prayer has been made for staying the arrest of the petitioner during the pendency of the present petition.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Mani Gupta. It was alleged that the complainant was running a shop in the name of Shivam Gupta General Store. It was alleged that in the



intervening night of 10/11.04.2025, some boys were arguing with each other outside his shop, however he sent them away. At about 3:15 a.m., Subhash @ Yuvi (petitioner) entered his shop with *Kirpan* along with 7-8 unknown boys with muffled faces. They all entered in the shop duly armed with *datar* and *khanda* and opened attack on him. Subhash and his companions attacked him with *Kirpan* and *Datar* on his head. However to avoid the blow, he put his right hand on his head. Due to the blow given, fingers of his right hand were chopped off. Subhash and his accomplices kept attacking on him. On his raising alarm, all of them escaped from there. The request was made to take the legal action. On registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Kapurthala praying for the grant of anticipatory bail. However after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge declined the petition filed by the petitioner vide his order dated 13.06.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner was working as a plumber on contractual basis at Lovely Professional University, Phagwara. He has submitted that at the time of occurrence, the petitioner was at Nakodar, which is 39 Kms away from the place of occurrence. He has submitted that CCTV footage of the place of occurrence had already been recovered by the



Investigating Agencies and the presence of the petitioner is not proved. He has submitted that the assailants were with muffled faces and thus, the identification of the petitioner is also not proved. He has thus submitted that false implication of the petitioner is writ large and thus, there being no prima facie case as alleged is made out against the petitioner, he deserves to be granted anticipatory bail.

4. Status report dated 15.07.2025 by way of an affidavit of Bharat Bhushan, PPS, Deputy Superintendent of Police, Sub Division Phagwara, District Kapurthala on behalf of the respondent-State has been filed by the learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He has drawn the attention of this Court to the status report filed. He has submitted that the petitioner was specifically named in the FIR, who was armed with *Kirpan*. He has submitted that during the investigation conducted so far, CCTV footage of the place of occurrence was recovered. He has submitted that the injured has got been medically examined. He has submitted that complicity of the petitioner is duly corroborated from the analysis of the CCTV footage. He has submitted that the complainant had suffered 8 injuries as per the MLR. He has also submitted that with the injuries caused by the petitioner, 3 fingers of the complainant were also chopped off. He has thus submitted that complicity of the petitioner is duly proved. The investigation is at threshold and thus, no case for the



grant of anticipatory bail to the petitioner is made out. He has submitted that the present petition deserves to be dismissed.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was specifically named in the FIR, who was armed with *Kirpan*. He along with the accomplices had opened attack on the complainant, who suffered 8 injuries. 3 fingers of the complainant are also alleged to be chopped off. The investigation is at threshold. Complicity of the petitioner is *prima facie* established.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

- 1. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
- 2. When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*



- (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

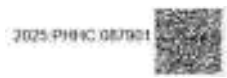
“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead*



to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

10. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 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 informations 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.”

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

17.07.2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE