



CRM-M-35167-2025

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

215

CRM-M-35167-2025

Date of decision: 23.07.2025

Atul Sharma

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Namish Sodhi, Advocate for the petitioner.

Mr. Jasjit Singh, DAG Punjab.

Mr. Akash Manocha, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.51 dated 08.04.2025, registered for the offences punishable under Sections 333, 115(2), 118(1), 191(3), 190, 118(2), 324(4) of BNS, 2023 at Police Station Haibowal, District Police Commissionerate, Ludhiana.

2. The gravamen of the FIR in question reflects that the criminal proceedings were initiated based on a complaint filed by Sudesh Kumar, senior citizen, son of Shri Basant Ram, aged 66 years, currently residing at House No. 25, East Garden Colony, Green Enclave, Jassi, Ludhiana, who stated that he has one son and one daughter. According to the complainant, his elder son namely Karan Verma was married in the year 2011 to one Meenu Verma, daughter of Surinderpal, resident of Guru Arjan Dev Nagar, Ludhiana. Out of the wedlock, the couple has three children. Due to ongoing marital discord, the daughter in law of the complainant namely Meenu



Verma left her matrimonial home along with the children on 04-04-2025 and went to her parental residence. Subsequently, the family of the complainant shifted to East Garden Colony, Jassi, Ludhiana. It was further alleged that on the night of 08/04/2025, at approximately 1:30 AM, a group comprising of Harpal Singh, Atul Sharma, Sunita Gogna (mother-in-law), Mamta Verma (sister-in-law), Meenu Verma (daughter-in-law), Ankus Kumar @ Manga Ram Verma, Bunty Verma (maternal cousins), and 2–3 unknown persons armed with rods and wooden planks forcefully entered the residence of the complainant. They vandalized the property, broke the main gate and window grills, and assaulted the complainant, his son, and his wife. It was further alleged that the son of the complainant was brutally beaten with a metal pipe; and the complainant suffered a serious injury resulting in the loss of my left-hand little finger. The complainant also alleged that his wife was attacked with wooden planks and footwear by the women. Furthermore, the assailants also damaged the vehicle of the complainant (bearing registration No. PB-10-HW-5004) and issued threats before fleeing. Later on, the complainant and his family members were immediately sought medical attention at Civil Hospital, Ludhiana. On these set of allegations, initially, instant FIR *ibid* was registered against the accused and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the impugned FIR contains general and vague allegations of assault by all the accused persons using blunt weapons such as rods and sticks. Learned counsel has submitted that the only specific allegation against the petitioner is of inflicting a rod blow on the left-hand little finger of the complainant. However, the MLR (Annexure P-3) belies



this assertion, as no injury has been recorded on the said finger. It is further pointed out by the learned counsel that injury No. 7, as per the MLR, is located on the right-hand little finger and has been opined to have been caused by a sharp-edged weapon, which starkly contradicts the version of the prosecution that all assailants, including the petitioner, were armed solely with blunt objects. According to learned counsel, this inconsistency seriously undermines the case of the prosecution and suggests that the injury may have been self-inflicted or fabricated to falsely implicate the petitioner and invoke graver charges, which is wholly inapplicable in the circumstances. Even assuming *arguendo*, the medical evidence does not support the allegations against the petitioner. Moreover, the offences, if any, are triable by a Magistrate, and the petitioner, is a person of clean antecedents having involvement in any criminal case. Furthermore, the co-accused have already been granted the concession of anticipatory bail by the Court below. It is next submitted by the learned counsel that no recovery is to be effected from the petitioner or at his instance. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. It is lastly submitted by the learned counsel that the present petition be allowed and the petitioner be granted the concession of the anticipatory bail.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Referring to the status report by way of affidavit of Jatinderpal Singh, PPS, Assistant Commissioner of Police



(West), Ludhiana, in Court today, learned State counsel submits that the petitioner alongwith co-accused inflicted simple and grievous injuries on the person of the complainant resulting in chopping of his little finger. According to him, in case the petitioner is granted the concession of pre-arrest bail, there is every likelihood that the petitioner may influence the witnesses or may commit similar offence and/or will flee from the trial. Furthermore, the petitioner alongwith co-accused has trespassed into the house of the complainant indicative of a deliberate and targeted assault. Given the severity of the allegations, the extent of the injuries sustained and the necessity for custodial interrogation, the dismissal of the instant petition is prayed for.

5. Learned counsel appearing for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner in light of the gravity of the allegations, the nature of the weapon used, the role ascribed to the petitioner and the stage of the investigation. According to him, in case the petitioner is enlarged on bail, it would in fact affect the proper investigation of the case and therefore, the petitioner does not deserve the concession of pre-arrest/anticipatory bail.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022***, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material



facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

75. Observing that the arrest is a part of the investigation intended to secure several purposes, in **Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]** , it was held as under : (SCC p. 313, para 19)

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

76. In **Siddharam Satlingappa Mhetre v. State of Maharashtra [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]**, the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider



whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to Siddharam Satlingappa Mhetre [Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in Jai Prakash Singh v. State of Bihar [Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468], the Supreme Court held as under : (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345], State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1].)”

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In Directorate of Enforcement v. Ashok Kumar Jain [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest 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 or likelihood of fleeing justice. The Court held:-

“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.”

8. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR *ibid* was lodged on a statement made by the complainant namely Sudesh Kumar, who alleged that on 08.04.2025, while the complainant and his family members were asleep at their residence, at approximately 1:30 AM, the petitioner alongwith co-accused, who are identified as Mamta Verma, Meenu Verma, Ankush Kumar @ Manga, Ram Verma, Buntty Verma, along with 2/3 unidentified persons trespassed in the house of the complainant. These accused were armed with iron rods and forcibly attempted to gain entry by damaging the main gate and window grills of the house of the complainant. Upon unlawfully entering the premises, the said accused persons are alleged to have physically assaulted the complainant, his son, and his wife using the rods. It is specifically alleged that accused Atul Sharma (petitioner herein) inflicted a rod blow on the left hand of the complainant, causing a partial amputation of his little finger. Other assailants are also alleged to have participated in the assault. The accused persons thereafter fled the scene of occurrence, issuing threats to the lives of the complainant and his family members. The FIR *ibid*, thus, discloses allegations of house trespass, criminal intimidation, and voluntarily causing grievous hurt by means of dangerous weapons, attracting serious penal consequences. The injury which has invoked the offence under Section 118 of BNS, 2023 (earlier Section 326 of IPC) is attributed to the petitioner. No cause *nay* plausible cause has been shown, at this stage, from which it can be



deciphered that the petitioner has been falsely implicated into the present FIR. The medical record, as available presently, seems to be corroborating the prosecution/complainant version that the petitioner (herein) has caused the injury which has invoked Section 118 of BNS, 2023 (earlier 326 of IPC). It goes without saying that in the instant case, the complainant has categorically stated that the petitioner along with co-accused and as part of an unlawful assembly, acted in furtherance of their common object to inflict multiple injuries upon the complainant and his family members.

9. Upon careful perusal of the material on record and the nature of allegations levelled, this Court is of the considered view that there exists a specific and direct attribution against the petitioner of having inflicted a grievous injury upon the complainant. It has been categorically alleged that the applicant/accused assaulted the complainant with a rod, resulting in a partial amputation of the complainant's little finger on his left hand. The injury in question, being a grievous one within the meaning of Section 2(1)(c) read with Section 118(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, has been specifically and unequivocally attributed to the applicant. The nature of the injury, its location, and the manner of infliction as alleged in the FIR *prima facie* disclose the commission of a cognizable and non-bailable offence. At this stage, the allegations, coupled with the medical opinion suggesting grievous hurt, are sufficient to disentitle the petitioner from the discretionary relief of anticipatory bail. The role ascribed to the petitioner is not vague or omnibus, but is rather precise and supported by the version of the complainant, meriting no indulgence at this preliminary stage of investigation. An attempt has been made on behalf of the petitioner to seek indulgence of this Court on the ground of parity arising out of the co-



accused having been enlarged on bail. The contention so raised is bereft of any merit and substance since the role attributed to the petitioner is of causing grievous injury on the person of the complainant resulting in partial amputation of his left hand little finger.

10. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. It is alleged that grievous injury, as corroborated by the medical evidence, has been specifically attributed to the petitioner. The medical records substantiate the nature and extent of the injury sustained by the complainant. The material which has come on record, including the medical evidence and preliminary investigation, appear to be established a reasonable basis for the accusations of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]*, the Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable 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. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.
12. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
13. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 23, 2025
Ajay

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