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

**CRM-M-37699-2025
DECIDED ON: 18.07.2025**

AMAR SINGH**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. G.S. Dhot, Advocate and
Mr. Gurvinder Singh Mehra, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS for grant of anticipatory bail to the petitioners in FIR No.93, dated 12.04.2025, under Sections 109, 115(2), 118(1), 117(2), 126(2), 351(3), 191(3), 190, 61(2) of BNS, 2023 registered at Police Station Dera Bassi, District SAS Nagar (Mohali).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Copy statement, statement of Ranjit Singh @ Minta son of Teja Singh, resident of village Mukandpur, Police Station Dera bassi, District S.A.S. Nagar, age 34 years, mobile no. 75269-18202 stated that I am a resident of the above address and do agriculture. My wife Suman Devi is the present Sarpanch of



Village Mukandpur. On 11.04.2025, I was present at my house at village Mukandpur, then I received a phone call from our village's boy namely Gaurav son of Raja Ram, who told me that Angrej Singh, Mahipal and Anil Kumar @ Honey Pandit, Naresh Kumar, Manish Kumar @ Mangu, Karmapal, Ashok Kumar, Rajesh Kumar, Amar Singh, Mohit, Gurpreet Singh, Gurjant, Gurmeet Singh, Naib Singh, Mayank, Sanjeev Kumar are abusing the Panchayat of Village Mukandpur and I tried to stop them, but the above mentioned persons went inside my house and beaten me and I along with Gurmeet Singh Panch, Gurjeet Singh and Parwinder immediately reached to the spot, then at about 10.00 PM, upon seeing us, Anil Kumar @ Honey Pandit raised Lalkara and along with his accompanies attacked on us and beaten us too. When we started running to save our lives, then the above mentioned persons beaten us and after giving beating to us, they fled away along with iron rods from the spot giving life threats to us. During quarrel, we sustained injuries and we went to Civil Hospital, for treatment, but the above said persons were already presented in the emergency ward of Civil Hospital, Dera Bassi. Udayvir Singh Dhillon, r/o Zirakpur was also present with them, who asked the Anil Kumar @ Honey Pandit and his accompanies that caught them today they should not be survived. Kill them, then Anil Kumar @ Honey Pandit caught us in the Civil Hospital and started giving beatings to us. Honey Pandit, Naresh Kumar and Manish Kumar picked up the barricade lying inside and Honey Pandit made first blow on my head, due to which my head was explode and blood started flowing from my head, then Naresh Kumar and Manish Kumar attacked on Parvinder Singh and Gurjit Singh with the barricades and they made blows on their body and head. We raised noise to save ourselves, then Anil Kumar alias Honey Pandit hit my left leg several times with the same stand. In the meantime, Honey dropped his stand and hit the doctor's scissor and Angrej Singh hold screwdriver and Mohit also hold scissor and Honey gave several scissor blows

on my head and Angrej Singh and Mohit hit on different parts of my body, Parwinder Singh and Gurjeet Singh tried to save me, but the above said started beating me again with the pots and stools lying there. Then Anil Kumar alias Honey Pandit, Naresh Kumar and Mahipal took down the fire cylinders installed in the hospital and Honey Pandit hit the cylinder on my head as I fell down and Naresh Kumar and Mahipal hit Parvinder Singh and Gurjit Singh on their legs and bodies. Parvinder Singh became unconscious and I and Gurjit Singh fell down on the ground. Honey Pandit again gave a stand blow on my face, due to which my jaw moved. They continuously beating us. was in condition of unconsciousness due to head injury. Anil Kumar @ Honey Pandit along with Udayvir Singh Dhillon and above said persons went from the spot by raising Lalkaras. In the Civil Hospital, Dera Bassi, the doctor after giving first aid to us referred to PGI, Chandigarh due to serious condition, where we are under treatment. The above said persons attacked us with intention to kill us. Action may be taken against them. I have got recorded my statement to you.”

3. Contentions
On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that no specific role/injury has been attributed to the petitioner and it is a case of version and cross-version, wherein the petitioner is the father of accused Angrej Singh, who is the author of cross-version of the present FIR. It has been further submitted that the petitioner is at parity with co-accused Ashok Kumar and Raj Kumar, who have already been granted the concession of pre-arrest bail vide order dated 16.07.2025 passed in CRM-M-37192-2025 and CRM-M-37190-2025, copies of which have been produced in Court. Moreover, co-accused, namely, Udayvir Singh Dhillon, Ankit Jain and



Karampal have already been granted the concession of anticipatory bail by the Sessions Court, Mohali vide orders dated 03.06.2025 (Annexure P-5), 24.06.2025 (Annexure P-6), 24.06.2025 (Annexure P-7) respectively. The petitioner is ready and willing to join the investigation and cooperate with the investigating officer concerned, as has been argued by learned counsel for the petitioner.

Notice of motion.

On behalf of the respondent-State

On the asking of the Court, Mr. J.S. Rattu, DAG, Punjab accepts notice on behalf of the respondent-State, who opposes the grant of concession of anticipatory bail to the petitioner asserting that the petitioner was part of a group, who first entered the house of the complainant and then reached the Civil Hospital, Derabassi and gave injuries to the complainant with barricade lying in the hospital and also gave iron rod blows along with stick blows. Further the case of the petitioner is not at parity with the co-accused Ashok Kumar and Raj Kumar, who were not present at the spot and also have not been attributed with any specific role and their presence at the spot was not put forth by the prosecution at the time they were granted the concession of bail. Therefore, the petitioner does not deserve the concession of anticipatory bail.

4. I have heard learned counsel for the parties.

5. **Analysis**

In the present case, the allegation against the petitioner is that he along with other co-accused persons gave injuries to the complainant with barricade lying in the hospital and also gave blows to the complainant with iron rod, sticks along with doctor scissors, which shows the gravity of offence



in which it was effected. Also, the timing at which the offence had taken place and the manner of indulging into the criminal act during day time shows the mere presence of such offenders of law. Moreover, the case of the petitioner is not at parity with the co-accused Ashok Kumar and Raj Kumar as the petitioner was identified later on, however, the said co-accused persons were not present at the spot and also have not been attributed with any specific role and their presence at the spot was also not put forth by the prosecution at the time they were granted the concession of bail and also the fact that the petitioner was identified later on.

The manner in which and the place where this incident took place by offenders of law can not be accepted in this civilized society and therefore, he does not deserve the concession of anticipatory bail at this stage.

The mere contention that the petitioner is ready and willing to join the investigation does not vest a right to grant him anticipatory bail because gravity of the offence in question has to be taken into consideration, therefore, the case made out against the petitioner certainly justifies a relevant ground for denial of anticipatory bail.

The Hon'ble Supreme Court in the case of '***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.***' 2022 Live Law (SC) 870 held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

"It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating



Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 BNSS, 2023., is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Supreme Court in **“State vs. Anil Sharma”; (1997) 7 SCC 187**, held as under:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than



questioning a suspect who is well ensconded 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 material 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 needs 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.”

6. **Decision**

In view of the seriousness of the allegations and also to take the investigation to its logical conclusion, the custodial interrogation of the petitioner is required. Accordingly, I find no merits in the instant petition. Hence, the same is hereby dismissed with no order as to costs.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the Trial Court is free to adjudicate upon the matter in accordance with law.

18.07.2025

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(SANDEEP MOUDGIL)
JUDGE

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