

2025:PHHC:098405



105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41232-2025
Date of Decision:01.08.2025

Paramjeet Singh @ Panka ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karan Bhardwaj, Advocate
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Mr. Munish Puri, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (ORAL)

1. The petitioner has approached this Court by way of filing present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR No.62 dated 01.06.2025 under Sections 333/115(2)/118(1)/191(3)/190/351(3)/324(4) of BNS, 1860 (Section 118(2) of BNS was added later on) registered at Police Station P.S. Taragarh, District Pathankot (Annexure P-1).

2. Succinctly facts of the case are that the FIR had been lodged on the statement of the complainant Manmeet Singh. It had been alleged that on 29.05.2025, he was sitting in his room and at about 06:00 PM his uncle's son Paramjeet Singh came there with a stick, Paramjit Singh @ Panka (petitioner) armed with sword and Dhruv and Dron were armed with Datar and 7-8 other

unknown persons, who were armed with *Dang* and *Datar*, entered his house. Paramjeet Singh (petitioner) exhorted them to teach a lesson to the complainant. Thereafter, Paramjeet Singh with intent to kill gave sword blow towards his head but he in order to protect himself raised his right hand and the blow of the sword hit his right hand. When his father came to rescue him, he was also assaulted with *Dang*. The unknown persons with Dhruv and Dron vandalized their house. On raising alarm, all of them escaped from there. They were shifted to the hospital. Request was made to take legal action against the accused persons. On registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of Ld. Sessions Judge, Pathankot praying for grant of the bail, however, after hearing both the sides, the same had been declined by the Ld. Sessions Judge, Pathankot vide its order dated 11.07.2025 (Annexure P-11). Hence, being aggrieved, the petitioner has approached this Court by way of filing the present petition under Section 482 of BNSS, 2023 for grant of anticipatory bail.

3. It has been vehemently contended by the learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that the crux of the case is that dispute is over the land, regarding which the partition proceedings are going on and the petitioner had raised objections to the partition proceedings. He submits that on account of the same it is the complainant side, who had opened attacked on the petitioner. He submits that prior to the alleged occurrence the petitioner was alone at his home. He was beaten by the complainant side. He submits that the father of the petitioner has received three injuries, however, due to the political influence, no action has been taken on the complaint filed by the petitioner side. Hence, he prayed that no *prima facie* case as alleged against the petitioner

is made out and hence, the petitioner deserves to be granted anticipatory bail.

4. Per contra, learned counsel for the complainant has vehemently opposed the submissions made by the counsel for the petitioner. He submits that the petitioner is the main accused, who has actively participated in the occurrence. He was duly armed with sword and had given blow on the right hand of the complainant in which his right thumb has been completely chopped off. He submits that no case for anticipatory bail has been made out.

5. Learned State counsel has also vehemently opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner is the main accused, who was armed with the sword and has given the blow of the sword on the complainant in which his right thumb is chopped off. He submits that the case is under investigation and thus, granting of the anticipatory bail would prejudice the trial.

6. After hearing learned counsel for the parties and perusing the available record, it is deciphered that from the arguments advanced by both the sides though, the occurrence in question has not been denied. Perusal of the record shows that the petitioner was named in the FIR and he has been allegedly armed with a sword. There are specific allegations against the petitioner that he had given blow on the right hand of the complainant in which his right thumb has been completely chopped off.

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

482 “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.”*

8. Hon'ble Supreme Court in State represented by ***CBI Vs. Anil Sharma, (1997) 7 SCC 187*** has 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 ensconded with a favorable order under Section 438 if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he 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 task of disintering offences would not conduct themselves as offenders.”

9. Hon'ble Apex Court in plethora of judicial precedents including

Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

10. 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 established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

01.08.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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