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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41829-2025
Reserved on: 03.09.2025
Pronounced on: 12.09.2025

SURAJ GUPTA @ SUKHI AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Charanpreet Singh, Advocate (through video conferencing)
for the petitioners.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
23	10.03.2025	Daba, District Ludhiana	109/115(2)/126(2)/191(3)/190 and 118(2) of BNS, 2023

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 19 of the bail petition and para 23(J) of the status report 11.08.2025, the petitioners have no criminal antecedents.
3. The facts and allegations are being taken from the order dated 07.07.2025 passed by the Additional Sessions Judge, Ludhiana, whereby the bail of petitioners was rejected, which reads as follows:

“xxx xxx xxx

The FIR was registered on the statement of Bharat Grover that on 9.3.2025 at about 9:00 PM, he along with his brother Amandeep Singh alias Ashu was present in their house. His brother Ashu received a telephone call from his friend Ajay Panday calling him to his house for a party. His brother told him to accompany him but he told that he is not feeling well and asked him to go but to return early. The complainant went to sleep after taking meal. At about 1:00 AM on 10.3.2025, his friend Shatty Kumar called him and told that his brother Ashu and his friend Ajay Pandey were badly beaten at 11:30 PM on 9.3.2025 near the liquor band at Bapu Market Road by accused Jerry, Lachhman, Suraj Gupta, Pritam Kumar, Rajan Kashyap, Ravideep and 4/5 unknown persons as they have quarrelled with them. These accused were armed with Kirpan, datar and dandas etc. and Ajay

Pandey and Ashu have been badly injured. He and Rajan were with them but due to fear they ran away from the spot. Ashu and Ajay Pandey are lying injured at Mohalla Gian Chand Nagar near wheat fields, on which he telephoned his brother Ashu, who picked his phone and told that he and Ajay Pandey have been bitten up badly by Jerry @ Naua, Lachhman, Suraj Gupta @ Sukhi, Pritam Kumar, Rajan Kashyap, Ravideep and 4/5 unknown persons. Thereupon, the complainant alongwith his friend Shatty Kumar went there and found his brother Ashu and Ajay Pandey in injured condition. They were taken to Civil Hospital, where the doctor after giving first aid advised to take them to some other hospital on which he brought his brother to CMS hospital. On these allegations the FIR was registered.”

4. Counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, and no such incident ever took place. It is further submitted that the petitioners did not cause any injuries and were not even present at the scene of the alleged occurrence. The petitioners’ counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

5. The petitioners’ counsel submits that the petitioners would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioners repeat the offense or commit any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioners shall have no objection.

6. The State’s counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“H. The role of the petitioner.

- i) Petitioners armed with iron daat along with co-accused armed with swords, daatar and dandas gave injuries to Amandeep Grover @ Ashu and Ajay Pandey.*
- ii) Injured Amandeep Grover @ Ashu received total injuries 34 injuries on his body and Ajay Pandey received total 05 injuries. All injuries were declared grievous in nature.”*

REASONING:

8. Both petitioners were armed with iron daat and inflicted multiple injuries on the two injured individuals, namely Amandeep Grover @ Ashu and Ajay Pandey. Amandeep Grover @ Ashu sustained a total of 34 injuries on his body, while Ajay Pandey suffered 5 injuries. As per medical record, many injuries are declared grievous in nature. Given the injury and role

attributed to petitioners, they are not entitled to bail.

9. The petitioners acted with cruelty which is corroborated with the nature of injuries.

10. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life. The offense is heinous, and the crime brutal. Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create a lot of insecurity in society. Once the courts form a prima facie opinion that the accused acted with cruelty, then such an accused ordinarily should not be granted bail, and if the courts deem it appropriate to grant, then it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify the grant of anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

12.09.2025
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Whether speaking/reasoned:	Yes
Whether reportable:	No.