

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

288

CRM-M-43332-2025

Date of Decision : 19.08.2025

ARVIND

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Mehul Khanna, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail has been filed by petitioner, a co-accused in case bearing FIR No.163 dated 06.06.2025, registered against him at Police Station Rama Mandi, Jalandhar, at the instance of one Karan, s/o Rajinder Kumar, u/s 115(2), 118, 126(2), 351(2) of BNS.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Karan, son of Sh. Rajinder Kumar set the criminal law in motion by filing a complaint pointing therein that at about 10.50 PM on 04.06.2025, he along with his brother, namely, Krishu were returning back home on activa after delivering milk to their grandmother, when they reached near Surya Enclave Petrol Pumb, they were ghereoed/surrounded by 2-3 boys on their motorcycle, who within a split of second assaulted them. One of them was Ravi, who was



armed with a sharp edged iron rod, the other one Arvind (present petitioner), was armed with datar. Ravi hit him (complainant) on his back with the sharp iron weapon. Arvind (present petitioner) gave a 'datar' blow on his left hand. His brother tried to save him but was unsuccessful. Assailants continued to beat him even when he fell down.

** Complainant further mentioned that assailants were nursing grudge against him and his family members, on account of a complaint of theft lodged earlier by his uncle against his father, mother and sister. He was rushed to the hospital where the doctors medico-legally examined him. The treating doctor noticed three injuries on his person (on the little finger of the left hand, on the back and on the left side of the head). On the basis of the complaint and Medico Legal Report, case bearing FIR No. 163 dated 06.06.2025, u/s 115(2), 118, 126(2), 351 (2) of BNS was registered.*

3. Apprehending his arrest in the said case, petitioner filed an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Jalandhar, which was dismissed on 30.07.2025. Aggrieved of the same, the present petition for grant of anticipatory bail has been filed by the petitioner.

4. Learned counsel submits that the petitioner and his brother have been falsely implicated in the present case. Relations between the two families are far from cordial. In the past as well, uncle of complainant had lodged a false case of theft (FIR No.48 dated 04.03.2025), against father, mother and sister of present petitioner. However, bail was granted to all three. On 17.05.2025, the brother of the petitioner, who is also an accused in the present case, had filed an application to the police authorities pointing therein that incident dated 04.03.2025 did not occur as portrayed by the complainant party, who had assaulted him and his

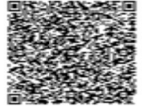


brother. The said complaint was not looked into by the investigating agency of the State.

Learned counsel submits that insofar as present incident is concerned, even the same has not been properly investigated. The fact that petitioner himself suffered injuries, make it quite clear that facts have been twisted by complainant in his complaint. Learned counsel submits that accused-petitioner, who has been falsely implicated in the present case, in the light of prior enmity between complainant and his family, is willing to join the investigation as and when called by the police authorities and that only role attributed to him, even if the version of complainant is taken to be true at its face value (though not admitted) is that he had given a datar blow to complainant on his left hand.

4. Status Report dated 18.08.2025 by way of affidavit of Mr. Amandeep Singh, Assistant Commissioner of Police, Central Jalandhar has been filed on behalf of the respondent-State, which is taken on record.

5. Per contra, both learned State counsel and counsel for the complainant have vehemently opposed the grant of anticipatory bail to petitioner on the ground that the blow inflicted by the present petitioner on the left hand of the complainant was so fierce that one of his finger almost got cut. Resultantly, the said injury was declared as 'Grievous' in nature. It was submitted that the petitioner and his brother, who were aggrieved of the earlier complaint lodged by the uncle of the complainant (who had levelled allegations of theft against the father, mother and sister of the petitioner), were on the look-out of an opportunity to level scores. In the late hours of 04.06.2025, they unleashed an attack on complainant, who as a consequence thereof suffered three injuries, one of which was declared 'Grievous'. Learned counsel submits that the custodial interrogation



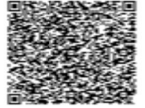
of petitioner is needed to recover the weapon used in the commission of offence, as also to know the whereabouts of the other accused (who is none else but brother of petitioner) and has not been arrested till date. Dismissal of the present petition is prayed for.

6. Before expressing any opinion on submissions raised by both the counsels, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy."

Hon'ble the Supreme Court while deciding the case titled as "**Ms. X Vs. The State of Maharashtra and another**" (2023 SCC Online SC 279) held as under:-

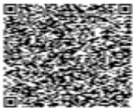


“11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

12. *In **Prasanta Kumar Sarkar's case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-*

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*



(viii) danger, of course, of justice being thwarted by grant of bail.”

In view of submissions advanced by learned State counsel, role played by the petitioner, as highlighted in para 2 of this order, petitioner has not been able to make out a case of exceptional depravity in his favour entitling him for this extra ordinary relief of pre-arrest bail. Accordingly, the petition stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

19.08.2025
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>