

2025:PHHC:132725



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

**CRM-M-45998-2025
Date of Decision: 23.09.2025**

Amritpal Singh		...Petitioner
	Versus	
State of Punjab		...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Gazi Mohd. Umair, Advocate,
for the petitioner.

Mr. Amit Sangwan, AAG, Punjab.

Mr. K.S. Chhibber, Advocate
for the complainant.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, an accused in case FIR No.110 dated 30.06.2025 registered against him, under Sections 109/115(2)/118(1)/191(3)/190 of BNS (offence under Section 118(2) BNS added later on) at Police Station Dirba District Sangrur, has filed the petition for grant of pre-arrest bail under Section 482 of BNSS.
2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Sarabjeet Singh son of Sh. Nagar Singh, resident of village Chatha Nanhera, P.S. Dirba, District Sangrur, set the criminal law in motion by filing the complaint alleging therein that present petitioner along with other accused, all of whom were armed with deadly weapons unleashed an attack on him as also on his friends Sandeep Sharma and Balwant Singh. In the incident, complainant

and his friends suffered serious injuries and the petitioner, who was said to be armed with sharp edged weapon assaulted the complainant as also his two friends Sandeep Sharma and Balwant Singh. All three suffered serious injuries, some of which were declared 'Grievous' in nature and opinion qua some could not be sought as ultrasound report is awaited.”

On the basis of the said complaint, formal case under Sections 109/115(2)/118(1)/191(3)/190 of BNS (offence under Section 118(2) BNS added later on) at Police Station Dirba District Sangrur, was registered.

3. Apprehending his arrest, the present petitioner moved an application for grant of anticipatory bail before the Ld. Additional Sessions Judge, Sangrur. The same was dismissed in terms of the order dated 07.08.2025. Aggrieved of which, the present petition has been filed.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Falsity of the case set up by complainant is apparent from the fact that there has been delay of one day in lodging the FIR. This period was misused by him (complainant) to concoct the facts to suit his convenience. Continuing further, learned counsel submits that in the entire complaint no specific role has been attributed to the petitioner, only vague allegations have been levelled, nothing has to be recovered from the petitioner, whose presence, therefore, is not needed for custodial interrogation. Nonetheless, petitioner is willing to join the investigations as and when called for by the I.O. Primarily with these submissions, learned counsel prayed for allowing the petition by granting the concession of anticipatory bail to the petitioner.

5. Status report dated 10.09.2025 by way of affidavit of Ms. Rupinder Kaur, PPS, Deputy Superintendent of Police, Sub-Division, Dirba,

District Sangrur, has been filed. The same is taken on record.

Learned State counsel accompanied by learned counsel for the complainant has opposed the present petition on the ground that in the complaint specific allegations have been levelled by complainant, who alleged that present petitioner, being armed with sharp edged weapon assaulted him and as also his two friends.

Both the learned counsel have drawn attention of the Court to para 11 of the status report, wherein the role of the petitioner has been highlighted. Details of the injuries inflicted by the petitioner, as also the nature thereof, have been elaborated. Out of 03 injuries attributed to the petitioner (one on the abdomen of Sandeep Sharma with *Daat*, another one on the right hand of Sarabjit Singh with *Daat* and third on back side of Balwant Singh with *Daat*), one has been declared as 'Grievous', whereas for want of ultrasound report, the nature of injury suffered by Sandeep Sharma on his abdomen could not be specified as yet. Learned State counsel prays that in the factual backdrop of the case, as highlighted hereinabove, the presence of the petitioner is needed for custodial interrogation to recover the weapon used by him in the commission of offence. Dismissal of the petition has been prayed for.

6. Learned counsel for the petitioner, learned State counsel accompanied by learned counsel for the complainant have been heard and documents on record have been perused.

7. Before expressing any opinion on the submissions raised by learned counsel of the parties, 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."

The Hon'ble Supreme Court in **Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another, AIR 2011, SC, 274**, 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.”*

8. In the backdrop of the role played by the petitioner in the entire incident, wherein complainant and his two friends suffered grievous injuries, the Court is of the opinion that presence of the petitioner is needed for custodial interrogation, to recover the weapon used by him in the offence, to find out the whereabouts of the other accused, who has not been arrested till date. Resultantly, petitioner has not been able to make out a case of exceptional depravity/hardship in his favour, in case the concession of extraordinary relief of anticipatory bail is not granted to him. Resultantly, the present petition stands dismissed.

23.09.2025

Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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