

2025.PHHC.117151

CRM-M-45994-2025
DECIDED ON: 22.08.2025

.....PETITIONER

VERSUS

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 BNSS for grant of anticipatory bail in FIR No. 81 dated 19.06.2025 under Sections 115(2), 118(1), 351(2), 333, 324(4), 3(5), BNS registered at P.S. Divison 5, District Police Commissionerate Jalandhar.
2. The contents of the FIR reads as under:-

‘Statement of Gaurav Kumar, son of Shri Gulshan Kapoor, resident of H. No. 73, Uttam Singh Nagar Basti Sheikh, Jalandhar, approximately 40 years old, mobile number 7668000008. Stated that I am a resident of the aforementioned address and work in finance. On June 18, 2025, at around 10:00 PM, I went to a birthday party at Inderprasth Hotel, Jalandhar, with my friends, Vishnu, Gellu resident of Ujala Nagar, and Goppu, the grandson of the pehelwan pakora seller. We all drank alcohol together. When we were leaving the hotel to go home, Gellu started a fight with me. I then left for my home on my Aactiva, registration number PB-08-FP-6973.

Gellu, Vishnu, and Goppu followed me on their Activa. When I reached my home in Uttam Nagar, opened the door, and went inside, Gellu, Vishnu, and Goppu arrived outside my house on their Activa and started calling me to come out. I called my friend, Tanish Babbar, son of Surinder Mohan, resident of WT-25 Kot Bazar Basti Sheikh, Jalandhar, from my mobile phone and asked him to come to my house. He arrived outside my house at about 2:15 AM on 19.06.2025. I also came out of my house and told Gellu, Vishnu, and Goppu that we would talk in the morning. but the three of them began arguing with me. Tanish Babbar tried to stop them, and Vishnu pulled a sickle from his waist and struck Tanish on the back of his head, causing him to fall. While Tanish was on the ground, he was struck with the sickle again. After that, Gellu took the sickle from Vishnu and also struck Tanish while he was down. Goppu then kicked Tanish in the stomach while he was lying there. When I tried to intervene and help, Vishnu struck me on my right hand and then my right ear with the sickle, causing injuries to my hand and ear. He then struck me a third time on the back of my head. I shouted for help, and seeing people gathering, the three individuals entered my house, vandalized my Activa, and then fled the scene. As they were leaving, they threatened to kill me. In the meantime, our neighbor's son, Amit, arrived. He arranged for transportation and got us admitted to Civil Hospital, Jalandhar. The doctors prepared our MLRS and referred us to Global Hospital, Jalandhar, where Tanish is currently undergoing treatment. My statement has been written, read, and heard, and is correct.

Sd/- Gaurav (Mob No. 7568000008) Prem Pal ASI Police Station No. 5 Jalandhar, Dated 19.06.2025. Police Inquiry: Today, I, ASI Prem Pal, along with HC Rakesh Mohan, no. 3439, were present at the police station when a telephone call was received from Global Hospital, Jalandhar. The call reported that Tanish Babbar, son of Surinder Mohan, resident of H. No. WT-25, Basti Sheikh Kot Bazar, Jalandhar, was admitted to the hospital and undergoing treatment for injuries from a beating. He requested that an investigating officer be sent to take action. I, ASI, along with my fellow officer, went to Global Hospital, Jalandhar. Before taking the statement of the Injured Tanish Babbar, I obtained a written opinion

from the doctor. The doctor declared Tanish Babbar unfit to give a statement. A report, entry number 15, dated 19.06.2025, was recorded in the daily diary at the police station in this regard. I, ASI, along with my fellow officer, was present at the police station when Gaurav Kumar, son of Shri Gulshan Kapoor, resident of H. No. 73, Uttam Singh Nagar Basti Sheikh, Jalandhar, came to the police station. He presented MLR No. PR/335/2025 dated 19.06.2025 for Gaurav Kapoor and MLR No. PR/336/2025 dated 19.06.2025 for Tanish and provided his statement as written above. In MLR No. PR/335/2025 dated 19.06.2025 for Gaurav Kapoor, the doctor has recorded a total of 04 injuries. Injuries 1, 3, and 4 are described as sharp, and injury 2 is described as blunt. In MLR No. PR/336/2025 dated 19.06.2025 for Tanish, the doctor has recorded a total of 01 injury. This injury is described as blunt and "KUO" (Kept Under Observation). Further action will be taken based on the result of the KUO injury. For the time being, based on the above statement and the results of the MLRs, an offence under sections 115 (2), 118 (1), 351 (2), 333, 324 (4), and 3 (5) of the BNS is made out. This statement is being forwarded to the Head Constable for registration of a case. After the case is registered, the number of the same be informed. The SHO and higher authorities, as well as the police control room, are being informed. I, ASI, along with my fellow officers, am now leaving with the complainant to the scene of the crime. Sd/- Prem Pal, ASI. Police Station Division No. 5, Jalandhar, Dated 19.06.2025. Time: 7:35 PM. Today, at Police Station Division No. 5, Jalandhar, the above written First Information Report under the mentioned sections has been registered. The original written statement along with a copy of the FIR is being sent to ASI Prem Pal No. 877/Jalandhar through L/Ct Gurleen Kaur No. 638 for further investigation. The SHO, senior officers, and the Police Control Room are being informed by telephone. Rapat No. 30, dated 19.06.2025.'

3. It has been contended on behalf of learned counsel for the petitioner that he has been falsely implicated in the present case and he claims to have no involvement with the present case. It is submitted that the FIR has been lodged

after an inordinate delay. Moreover, since no recovery has to be effected from the petitioner, there is no need for custodial interrogation of him and thus, he prays for the grant of anticipatory bail.

4. Notice of motion.

5. Mr. J. S. Rattu, DAG, Punjab, appearing on advance notice accepts the same on behalf of respondent-State of Punjab. He vehemently opposes the prayer made in the present petition stating that the present case involves commission of a serious offence. It is further submitted that the petitioner along with other co-accused persons was actively involved in attacking the complainant's friend with a sickle and causing grievous injuries to the him. The present petitioner has been specifically attributed the injuries on the back of the head of the friend of the complaint with a sickle. He asserts that the petitioner does not deserve the concession of pre-arrest bail as custodial interrogation is required for investigation.

7. Heard learned counsel for the respective parties.

8. In case of criminal investigation, the normal procedure prescribed for curtailing the right to life & liberty, is that the investigating officer can arrest the accused even without warrant. The court has extraordinary power to protect an innocent person. However, this power has to be exercised by the courts with due circumspection.

9. The allegation against the petitioner is serious in nature. The petitioner accompanied with the accused persons, Gellu and Goppu, went to the house of the complainant where they started calling the complainant out of his house. Following which, they attacked the complainant and his friend one, Tanish Babbar, whereby the present petitioner stuck Tanish Babbar with a sickle with

blow to the back of the head, pursuant to which the victim fell down, after which he was struck again. Since the act attributed to petitioner prima facie disclose the commission of a serious offence, this court is not inclined to show leniency to the present petitioner. The Apex Court in case “***Gudikanti Narasimhulu vs. Public Prosecutor, High Court of A.P.***”; (1978) 1 SCC 240, has already observed that deprivation of freedom by refusal of bail is not for punitive purposes but for the bifocal interests of justice. It has further been observed that it is rational to enquire into the antecedents of the man who is applying for bail to find out whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail.

10. More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 480 BNSS, 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.”

11. Keeping in view the aforesaid facts and circumstances and nature of averments, the petitioner does not deserve the concession of anticipatory bail. Hence, the present petition is hereby, dismissed.

22.08.2025
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>