

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-48888-2025

Date of Decision : 24.09.2025

AMANVIR SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail under Section 482 BNSS, has been filed by petitioner, a co-accused in case bearing FIR No.7 dated 20.03.2025, registered against him at Police Station Government Railway Police, District Jalandhar, at the instance of Maninder Singh (complainant), for the commission of offences punishable u/s 118(2), 115(2), 61 (2), 3(5), 351(2), 351(3) of BNS.

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

Maninder Singh, son of Late Sucha Singh, set the criminal law in motion by filing a complaint mentioning therein the sequence of events that had unfolded at the relevant time and date, when he was mercilessly assaulted by the petitioner and others. Complainant pointed out that on 16.03.2025, he had gone to the market to fetch some house hold articles. He halted at the railway crossing



and parked his motorcycle near the railway track, when someone came from behind and hit him on his neck. Resultantly, he lost his balance and fell down from the motorcycle. Before he could get up, one Harry, son of Anil Kumar hit him with Khanda of his left arm, Daaman Bali, resident of Karol Bagh, Jalandhar also hit him on his head with rod fitted with garrari. Amarvir Singh (the present petitioner), who was holding a Khanda, hit him on his legs due to which he suffered wounds and blood started oozing out. On the basis of the said complaint, a formal case vide FIR No. 7 dated 20.03.2025 was registered against the present petitioner and other co-accused.

3. Apprehending his arrest, present petitioner had moved an application for grant of pre-arrest bail, before the learned Additional Sessions Judge, Jalandhar. The same was dismissed, in terms of order dated 01.08.2025. Aggrieved of the said order, the present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The fact that FIR was lodged after an unexplained delay of 04 days itself raises doubt on the genuineness of the story put-forth by the complainant. Further as per learned counsel, even if the incident (though not admitted) is taken to be true at its face-value, the injury declared as 'Grievous' is not attributed to the petitioner.

Continuing further learned counsel while referring to the order dated 04.09.2025 passed by this Court, vide which co-accused, namely, Daaman Bali was granted concession of anticipatory bail, contends that similar treatment be meted to petitioner, who is on similar footing.

5. Status report dated 16.09.2025 by way of Affidavit of Mr. Tejpal Singh, Deputy Superintendent of Police, Zonal GRP, Ludhiana filed on behalf of

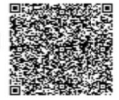


the respondent-State has already been placed on record. Learned State counsel has opposed the prayer of the petitioner for grant of anticipatory bail on the ground that petitioner was specifically named in the FIR, his role has also been highlighted by the complainant in his first version given to the police authorities. The injuries attributed to the petitioner have been declared as 'Grievous' in nature by the Medical Officer, who gave his opinion based on the x-ray report. Learned State counsel further submits that there is no unexplained delay in lodging the FIR, for accused-party were pressurizing the complainant to amicably resolve the dispute. But he (complainant) put his foot down. Moreover, complainant was not in a fit medical condition to get his statement recorded. Learned counsel next points out that even the past antecedents of petitioner are far from satisfactory, as he already stands convicted in two other cases of similar nature (FIR No.19 dated 02.04.2020, u/s 269, 188 IPC and FIR No.141 dated 18.06.2009, u/s 324, 323, 148, 149 IPC, Sections 3, 4 SC/ST Act).

Towards the end, learned counsel submits that the presence of the petitioner is need for custodial interrogation to recover the weapon used by him in the commission of offence, and also to know the whereabouts of the other two accused, who are still absconding, no case for grant of anticipatory bail is made out. Dismissal of the petition was prayed for.

6. Heard. Documents on record perused.

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.

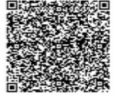


Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

"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



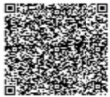
likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

*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 held as under:-*

"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 discussion made hereinabove, role played by the petitioner, as highlighted in para 2 of this order, the Court is of the opinion that



custodial interrogation of petitioner is necessary to know the whereabouts of some of the other accused, who have till date not been arrested, to recover the weapon used in the commission of offence etc. It would also be appropriate to point out that petitioner is not at par with co-accused Daman Bali, for the injury attributed to him (Daman Bali) was not declared ‘Grevious’. Resultantly, petitioner, has not been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail.

Accordingly, the present petition stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

24.09.2025
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No